

248742

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE PEOPLE OF THE STATE OF MICHIGAN

.VS

Case No. 03-001609

MICHON DESMOND HOUSTON,

Defendant.

JURY TRIAL/VOIR DIRE

PROCEEDINGS HAD in the above-entitled cause before the HONORABLE VERA MASSEY JONES, Circuit Judge, Detroit, Michigan, on Wednesday, April 2nd, 2003.

APPEARANCES:

For the People: RODNEY P. HASSINGER (P-40573)
Wayne County Assistant Prosecutor
1441 St. Antoine Street
Detroit, MI 48226
(313) 224-5777

For the Defendant: DAVID E. LANKFORD (P-43536)
645 Griswold Street, Suite 2350
Detroit, MI 48226
(313) 965-4834

(P-40573)
 Assistant Prosecutor
 District
 RECEIVED
 MAY 17 2004
 DISTRICT COURT OF APPEALS
 FIRST DISTRICT
 P-43536

1970-1971

8-18-03

CORRECTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS

PAGE

WITNESSES:

EXHIBITS:
None

IDENTIFIED

RECEIVED

Detroit, Michigan

Monday, April 2, 2003

Morning session

- - -

THE CLERK: This is the case number
03-1609, People versus Michon Houston. Defendant's
charged with First Degree Murder, Count I; Count II
is Possession of a Firearm by a Felon, and Count
III is Possession of a Felony Firearm. This matter
is before the court for trial.

THE COURT: Your appearances for the
record with your P numbers for the court reporter.

MR. HASSINGER: Good morning, Your Honor,
Rod Hassinger on behalf of the People, P-40573.

MR. LANKFORD: Good morning, Your Honor
David Lankford on behalf of Mr. Houston, P-43536.

THE COURT: Thank you, gentleman.

Ladies and gentlemen of the jury panel,
we welcome you to courtroom G-2. The remarks of
this court is about to make to you are intended in
outlying the trial of this matter, the procedures
we will follow, and the principals that control the
conduct of criminal cases, so that we can be sure
the jurors are familiar with the principles of
justice and who are willing to abide by them.

1 Now, the person who's on trial is
2 referred to as the defendant and in this case
3 that's Mr. Michon Desmond Houston.

4 Mr. Houston, would you rise and turn
5 towards the jury panel members, please. Thank you
6 Mr. Houston.

7 He's represented by counsel. Counsel,
8 would you rise and introduce yourself and your
9 assistant to the jury panel members.

10 MR. LANKFORD: Thank you. Good morning,
11 ladies and gentlemen of the proposed jury. My name
12 is David Lankford. My associate's name is Thomas
13 Schindler.

14 THE COURT: Thank you very much.

15 The People of the State of Michigan are
16 represented by the Assistant Prosecuting Attorney.
17 Would you please rise and introduce yourself and
18 name the officer in charge of this case to the jury
19 panel members.

20 MR. HASSINGER: Good morning, ladies and
21 gentlemen. My name is Rod Hassinger. I'm an
22 Assistant Wayne County Prosecutor. I have an
23 officer in charge of the case. His name is
24 Sergeant Danny Marshall, Detroit Homicide Unit.
25 Thank you very much.

1 THE COURT: As each of you know this is a
2 criminal case and the information in this case
3 charges the Defendant, Michon Houston with the
4 charges of homicide murder, first degree
5 premeditated, possession of a firearm by a felon
6 and felony firearm. And the information and
7 pertinent part reads as follows:

8 "In the name of the People of the State
9 of Michigan the prosecuting attorney for this
10 county appears before the court and informs the
11 court that on or about September 6th, 2002, at the
12 location West Buena Vista and Linwood, a vacant lot
13 in the city of Detroit that in Count I that the
14 Defendant, Michon Houston did deliberately with the
15 intent to kill and with premeditation kill and
16 murder one Carlton Thomas contrary to the laws of
17 the State of Michigan.

18 And Count II alleges that the same date,
19 time, and location that being September 6th, 2002,
20 at West Buena Vista and Linwood in a vacant lot in
21 the City of Detroit that the Defendant, Michon
22 Houston did possess or use or carry a firearm while
23 ineligible to do so because he had been convicted
24 of delivery less than 50 grams of a controlled
25 substances and or receiving concealed stolen

1 property. This is less than \$20,000.00 contrary to
2 the laws of the state of Michigan.

3 And Count III alleges that the same date,
4 time, and location that the Defendant, Michon
5 Houston on September 6th, 2002 at West Buena Vista
6 and Linwood in the city of Detroit did carry or
7 have in his possession a firearm; to wit, a
8 handgun at the time that he committed or attempt to
9 commit the felony of murder and/or felon in
10 possession of a firearm contrary to the laws of the
11 state of Michigan."

12 Now, the defendant has pled not guilty to
13 this information and you should clearly understand
14 that the information in this case is not evidence,
15 but simply serves to inform the accused of the
16 charges against him. An information is presented
17 in every criminal trial. You must not consider it
18 as any evidence of the guilt of this defendant or
19 draw any inference of guilt because he has been
20 charged.

21 Every person accused of a crime is
22 presumed to be innocent. This means you must start
23 with the presumption that defendant is innocent.
24 This presumption continues throughout the trial and
25 entitles the defendant to a verdict of not guilty

1 unless you are satisfied beyond a reasonable doubt
2 that he is guilty.

3 Now, every crime is made up of parts
4 called elements. The prosecution must prove each
5 element of the crime charge beyond a reasonable
6 doubt. The defendant is not required to prove his
7 innocence or to do anything. If you find that the
8 prosecution has not proven every element beyond a
9 reasonable doubt, then you must find the defendant
10 not guilty.

11 Now a reasonable doubt is a fair, honest
12 doubt growing out of the evidence or lack of
13 evidence. It is not merely an imaginary or
14 probable, but a doubt based upon reason and common
15 sense. A reasonable doubt is just that, a doubt
16 that is reasonable after a careful and considered
17 examination of the fact an circumstances of this
18 case.

19 Now, as jurors one of your responsibilities
20 will be to judge the credibility of the testimony
21 of all of the witnesses who will appear before
22 you. By credibility of testimony I mean its
23 truthfulness and it's accuracy. As a standard for
24 judging credibility you may use your common sense
25 and you may take into account the witness's ability

1 and opportunity to observe, his or her memory and
2 manner while testifying, their age, any interest,
3 bias, or prejudice that he or she may have. Plus
4 the reasonableness of their testimony considered in
5 light of all of the evidence in this case.

6 Now, the testimony of all witnesses must
7 be judged by the same standard and that includes
8 the testimony of police officers or any other
9 witness who will appear before you. At this time
10 I'm going to ask the prosecution to please read the
11 list of witnesses who will be called to testify.
12 And you have any descriptiveness, that is if
13 they're civilians and police officers, please let
14 us know.

15 MR. HASSINGER: Thank you, Judge.

16 Ladies and gentlemen, the witnesses I
17 intend to call in this case include a representative
18 for the Wayne County Morgue, Dr. Lee Hlavaty. I'm
19 planning on calling Cynthia Thomas, a civilian.
20 Civilians; Laverio Crooks, Jovan Johnson and
21 Christina Eshelman.

22 And the following witnesses are police
23 officers. Police Officer Fred McIntyre, Melvin
24 Williams, Daniel Sitarski, Michael Bastianelli,
25 Charles Adams, Olivia Moss, Police Officer Michael

1 Carpenter. The officer in charge Sergeant Danny
2 Marshall. Potentially investigator Olson. I
3 believe that's it, Judge.

4 THE COURT: All right. Every trial begins
5 with what we call the voir dire of the jury. The
6 purpose of this process is to obtain information
7 about you so that we can be sure we have a fair and
8 impartial jury, one willing to abide by the
9 principles of justice to hear and try this matter.

10 During the course of the voir dire this
11 court will ask you questions that will probe deeply
12 into your attitudes and beliefs. We ask that you
13 not view this as an invasion of your privacy, but
14 understand that it is the necessity which will
15 ensure us that we have a fair and impartial jury to
16 hear and try this matter.

17 During the course of the voir dire we're
18 going to ask you to be as honest and as truthful
19 with us as possible. And in just a few moments
20 you'll be asked to swear to answer truthfully,
21 fully, and honestly all questions asked of you as
22 to your qualifications to serve as a juror in this
23 matter.

24 At this time if there are any jurors who
25 have religious beliefs of taken oaths, you will

1 inform the court right now by raising your hands.
2 We will have you affirm that you will answer all
3 questions truthfully, fully, and honestly. Would
4 those jurors who have religious beliefs against
5 taken oaths please rise. Have those jurors
6 affirmed.

7 THE CLERK: Do you affirm to answer
8 truthfully all questions put to you touching upon
9 your qualifications to serve as a juror? I asked
10 you a question. I'll say it again.

11 Do you affirm to answer truthfully all
12 questions put to you touching upon your qualifications
13 to serve as a juror?

14 PROSPECTIVE PANEL: Yes.

15 THE CLERK: Thank you.

16 THE COURT: You may be seated with the
17 other jurors. Please rise.

18 THE CLERK: Raise your right hand,
19 please. Do you solemnly swear to answer truthfully
20 all questions put to you touching upon your
21 qualifications to serve as jurors?

22 PROSPECTIVE PANEL: Yes.

23 THE CLERK: Thank you.

24 THE COURT: Before we begin filling the
25 box, there's some procedural matters I'd like to

1 acquaint you with. First of all, once this court
2 is in trial we begin promptly at 9:00 o'clock. We
3 take testimony from nine until about 10:15, 10:30
4 at which time we take a 20 minute coffee break. We
5 go from the end of that coffee break until 12:15 or
6 12:30 at which time we break one hour for lunch.
7 That means we usually start up at 1:30. We'll
8 start at 1:30 and we'll go from 1:30 to 2:30 or
9 quarter to three at which time we take a ten minute
10 break. We go from the end of that break until 4:00
11 o'clock. We commit our jurors to go home at 4:00.

12 Now, the lawyers have told me that they
13 expect that this case may take two to three days.
14 We were able to get the lawyers in a day early so
15 we can select our jury ahead of time which may save
16 us a little time until we get to the actual trial
17 which will be starting tomorrow. I believe that
18 will cut it down, and we will be working on Friday.
19 And so this case may be over with by Friday, if
20 not, it will be over with by Monday at the latest.

21 The final procedure of matter is that I
22 have a series of questions that I refer to as
23 group questions. This will save us a great deal of
24 time and allow us to get this case tried as
25 efficiently as possible. If all of our jurors

1 would listen to these questions and remember if you
2 would answer any question yes on this subject
3 matter. Not the number in the sequence, but the
4 subject matter that you would say yes to. There
5 are only six group questions. It will save us a
6 great deal of time and allow us to get this case
7 tried as soon as possible.

8 If all of our jurors would listen to
9 these questions now and remember if you would
10 answer any question yes in the subject, not the
11 number in the sequence, but the subject matter that
12 you would say yes to.

13 The group questions are as follows: Do
14 you have any religious or other beliefs that would
15 prohibit you sitting in judgment on another human
16 being?

17 Did you recognize any of the parties who
18 were introduced or the names of witnesses that were
19 read as persons that you might know?

20 Have you ever had any prior jury
21 experience?

22 Have you ever testified in any court
23 matter with the exception of divorce cases?

24 Do you have any physical problems?

25 Are you taking any medications which

1 would make it impossible for you to sit under the
2 schedule that I described earlier?

3 And the last and the most important group
4 question is, whether you have problems or
5 reservations that apply in the legal principles
6 that I tell you control the conduct of criminal
7 cases?

8 By that, I mean as the defendant sits
9 here now he is presumed to be innocent. The
10 presumption of innocence is such that if you were
11 required at this time to render a verdict, there
12 would only be one possible verdict and that would
13 be not guilty because the defendant is presumed to
14 be innocent and absolutely no evidence has been
15 entered against him.

16 The fact that the prosecution must prove
17 guilt, and must prove guilt beyond a reasonable
18 doubt and that our law does not require any
19 defendant to prove his innocence or produce any
20 evidence whatsoever.

21 That's the last and the most important of
22 the questions is whether you'd have any problems or
23 reservations in applying the legal principles that
24 I tell you control the conduct of criminal cases.

25 Now, I'm going to repeat these series of

1 questions again. These are the group questions.
2 It will save us a great deal of time if all of our
3 jurors will listen to these questions now and
4 remember if you would answer any question yes in
5 the subject matter. Not the number in the
6 sequence, but the subject matter that you would say
7 yes to.

8 The group questions are as follows: Do
9 you have any religious or other beliefs that would
10 prohibit you sitting in judgment on another human
11 being?

12 Did you recognize any of the parties who
13 were introduced or the names of witnesses that were
14 read as persons that you might know?

15 Have you ever had any prior jury experience?

16 Have you ever testified in any court
17 matter with the exception of divorce cases?

18 Do you have any physical problems?

19 Are you taking any medications which
20 would make it impossible for you to sit under the
21 schedule that I described earlier?

22 And the last and the most important of
23 the group questions is whether you have problems or
24 reservations in applying the legal principles that
25 I tell you control the conduct of criminal cases?

1 With that we'll begin pulling the jury
2 for the panel box. We'll need 14 jurors.

3 THE CLERK: Kowalik, Michael, K-o-w-a-l-i-k,
4 seat one, please; Dawkins, Chonzett, D-a-w-k-i-n-s,
5 seat two, please; Sawyer, James, seat three,
6 please; Gillen, Christopher seat four, please;
7 Muhammad, Sharlean, seat five, please; Kneshtel,
8 Sharon, K-n-e-s-h-t-e-l, seat six, please; Kitze,
9 James K-i-t-z-e, seat seven, please; Malkowski,
10 Walter, seat eight, please; Tidrick, Lance, seat
11 nine, please; Belanger, Russell, seat ten, please;
12 Takach, Tony, T-a-k-a-c-h, seat eleven, please;
13 Barazsu, Carol, B-a-r-a-z-s-u, seat twelve, please;
14 Fann, Tracey, seat thirteen, please; Hoeft, Katherine,
15 H-o-e-f-t, seat fourteen, please.

16 THE COURT: We welcome each of you to the
17 jury panel box and did you hear and understand the
18 statements I made to the jury panel earlier?

19 PROSPECTIVE JURY: Yes.

20 THE COURT: All right, I'm going to thank
21 those who answered verbally. The young lady
22 sitting there is taking notes of every word that is
23 said. If you speak too softly or if you just nod
24 your head, then nothing goes down, so I'm going to
25 always ask you to answer verbally.

1 We will begin with Kowalik who is in seat
2 one. I repeat, for I hope is the last time, the
3 series of questions I'm speaking of when I refer to
4 the group questions. I want to remind all of our
5 jurors, it will save us a great deal of time and
6 allow us to get this case tried as efficiently as
7 possible.

8 If all of jurors will listen to these
9 questions now and remember if you would answer any
10 question yes in the subject matter, not the number
11 in the sequence, but the subject matter that you
12 would say yes to.

13 The group questions are as follows: Do
14 you have any religious or other beliefs that would
15 prohibit you sitting in judgment on another human
16 being?

17 Did you recognize any of the parties who
18 were introduced or the names of witnesses that were
19 read as persons that you might know?

20 Have you ever had any prior jury
21 experience?

22 Have you ever testified in any court
23 matter with the exception of divorce cases?

24 Do you have any physical problems?

25 Are you taking any medications which

1 would make it impossible for you to sit under the
2 schedule that I described earlier?

3 And the last and the most important group
4 question is whether you have problems or reservations
5 in applying the legal principles that I tell you
6 control the conduct of criminal cases? And that's
7 the end of the group questions.

8 Mr. Kowalik, do you remember the series
9 of questions that I'm speaking of when I refer to
10 the group questions?

11 PROSPECTIVE JUROR #1: Yes.

12 THE COURT: Would you have answered any of
13 those questions yes?

14 PROSPECTIVE JUROR #1: Yes.

15 THE COURT: Which ones, sir.

16 PROSPECTIVE JUROR #1: Could you repeat
17 that again. Would you answered --

18 THE COURT: Do you remember the series of
19 questions I'm speaking of?

20 PROSPECTIVE JUROR #1: Right. I had a
21 problem.

22 THE COURT: Would you have answered any of
23 those questions yes?

24 PROSPECTIVE JUROR #1: No.

25 THE COURT: Are you sure?

1 PROSPECTIVE JUROR #1: Right.

2 THE COURT: Have you yourself or any close
3 friend or relative ever done any work with any
4 police departments, defense lawyers, prosecuting
5 attorneys's office, security guards, military
6 police, fire department or investigators of any
7 kind?

8 PROSPECTIVE JUROR #1: No.

9 THE COURT: Have you yourself or any close
10 friend or relative ever been arrested, charged, or
11 convicted of any criminal offense?

12 PROSPECTIVE JUROR #1: No.

13 THE COURT: Have you yourself or any close
14 friend or relative ever been the victims of crime?

15 PROSPECTIVE JUROR #1: No.

16 THE COURT: Have you yourself or any close
17 friend or relative ever have any unpleasant
18 experiences with police officers?

19 PROSPECTIVE JUROR #1: No.

20 THE COURT: Have you yourself or any close
21 friend or relative ever been the victims of crime?

22 PROSPECTIVE JUROR #1: No.

23 THE COURT: Are you familiar with the area
24 of West Buena Vista and Linwood in Detroit?

25 PROSPECTIVE JUROR #1: No.

1 THE COURT: Our printout listed you're
2 married; is that correct?

3 PROSPECTIVE JUROR #1: That's correct.

4 THE COURT: Are you presently employed?

5 PROSPECTIVE JUROR #1: Yes.

6 THE COURT: I'm just about to ask what
7 type of work you do, and I want to tell me just me
8 just that. Under no circumstances will any of our
9 jurors tell us where you or your spouses work; do
10 you understand?

11 PROSPECTIVE JUROR #1: Yes.

12 THE COURT: It's the type of work we're
13 interested in. What type of work do you do, sir?

14 PROSPECTIVE JUROR #1: I'm a machinist.

15 THE COURT: And your spouse, is she
16 employed outside of the home at this time?

17 PROSPECTIVE JUROR #1: No.

18 THE COURT: Have you heard anything about
19 this case before coming to this courtroom today?

20 PROSPECTIVE JUROR #1: No.

21 THE COURT: Do you know any reason at all,
22 and I mean reason why you could not be a fair and
23 impartial juror in this case?

24 PROSPECTIVE JUROR #1: No.

25 THE COURT: Thank you, very much.

1 Ms. Dawkins, do you remember the series
2 of questions I'm speaking of when I refer to the
3 group questions?

4 PROSPECTIVE JUROR #2: Yes.

5 THE COURT: Would you've answered of those
6 questions?

7 PROSPECTIVE JUROR #2: Yes.

8 THE COURT: Which ones, ma'am?

9 PROSPECTIVE JUROR #2: Ever been on a
10 jury.

11 THE COURT: Civil or criminal matter?

12 PROSPECTIVE JUROR #2: Criminal.

13 THE COURT: Does the charge have anything
14 to do with murder or possession or a firearm?

15 PROSPECTIVE JUROR #2: No.

16 THE COURT: Was there anything in that
17 prior jury experience that you might hold against
18 either the prosecution or the defense in this
19 case?

20 PROSPECTIVE JUROR #2: No.

21 THE COURT: Was that the only group question
22 you would have answered yes?

23 PROSPECTIVE JUROR #2: Yes.

24 THE COURT: Have you yourself or any close
25 friend or relative ever done any work with any

1 police departments, defense lawyers, prosecuting
2 attorneys's office, security guards, military
3 police, fire department, or investigators of any
4 kind?

5 PROSPECTIVE JUROR #2: No.

6 THE COURT: Have you yourself or any close
7 friend or relative ever been arrested, charged, or
8 convicted of any criminal offense?

9 PROSPECTIVE JUROR #2: No.

10 THE COURT: Have you yourself or any close
11 friend or relative ever been the victims of crime?

12 PROSPECTIVE JUROR #2: No.

13 THE COURT: Have you yourself or any close
14 friend or relative ever have any unpleasant
15 experiences with police officers?

16 PROSPECTIVE JUROR #2: No.

17 THE COURT: Are you familiar with the area
18 of West Buena Vista and Linwood in Detroit?

19 PROSPECTIVE JUROR #2: Yes.

20 THE COURT: Would the fact that you're
21 familiar with the area cause you to be unfair to
22 either the prosecution or the defense in this
23 matter?

24 PROSPECTIVE JUROR #2: No.

25 THE COURT: Our printout notes that you're

1 single; is that correct?

2 PROSPECTIVE JUROR #2: Yes.

3 THE COURT: Are you presently employed?

4 PROSPECTIVE JUROR #2: Yes.

5 THE COURT: What type of work do you do?

6 PROSPECTIVE JUROR #2: I'm a technician.

7 THE COURT: Have you heard anything about
8 this case before coming to this courtroom today?

9 PROSPECTIVE JUROR #2: No.

10 THE COURT: Do you know of any reason why
11 you could not be a fair and impartial juror in this
12 matter?

13 PROSPECTIVE JUROR #2: No.

14 THE COURT: Thank you very much.

15 Mr. Sawyer, do you remember the series of
16 questions I'm speaking of when I refer to the group
17 questions?

18 PROSPECTIVE JUROR #3: Yes.

19 THE COURT: Would you have answered any of
20 those questions yes?

21 PROSPECTIVE JUROR #3: No.

22 THE COURT: Have you yourself or any close
23 friend or relative ever done any work with any
24 police departments, defense lawyers, prosecuting
25 attorney's office, security guards, military

1 police, fire department, or investigators of any
2 kind?

3 PROSPECTIVE JUROR #3: No.

4 THE COURT: Have you yourself or any close
5 friend or relative ever been arrested, charged or
6 convicted of any criminal offense?

7 PROSPECTIVE JUROR #3: No.

8 THE COURT: Have you yourself or any close
9 friend or relative ever been the victims of crime?

10 PROSPECTIVE JUROR #3: Yes.

11 THE COURT: What kinds of crime, sir?

12 PROSPECTIVE JUROR #3: Murder.

13 THE COURT: The relationship of you to the
14 victim?

15 PROSPECTIVE JUROR #3: My brother.

16 THE COURT: Do you know the circumstances
17 under which that occurred?

18 PROSPECTIVE JUROR #3: Pardon me?

19 THE COURT: Do you know the circumstances
20 under which your brother died?

21 PROSPECTIVE JUROR #3: No, not exactly.

22 THE COURT: Do you know anything about
23 it?

24 PROSPECTIVE JUROR #3: Not much about it,
25 you know, just that he was murdered.

1 THE COURT: Okay, you don't know whether
2 he was acquainted with the individuals or whether
3 it was a robbery or anything like that?

4 PROSPECTIVE JUROR #3: My understanding it
5 was a friend of his. My understanding was armed
6 robbery.

7 THE COURT: Okay. This is a murder case.
8 Would you be able to put that personal experience
9 out of your mind and decide this case based solely
10 on the evidence presented in this courtroom and the
11 law as I give it to you?

12 PROSPECTIVE JUROR #3: Yes.

13 THE COURT: Anything in that experience
14 you might hold against either the prosecution or
15 the defense in this matter?

16 PROSPECTIVE JUROR #3: No.

17 THE COURT: Thank you very much. Sir,
18 Have you yourself or any close friend or relative
19 ever had any unpleasant experiences with police
20 officers?

21 PROSPECTIVE JUROR #3: No.

22 THE COURT: Are you familiar with the area
23 of West Buena Vista and Linwood in Detroit?

24 PROSPECTIVE JUROR #3: Yes.

25 THE COURT: Would the fact that you're

1 familiar with the area cause you to be unfair to
2 either the prosecution or the defense in this
3 matter?

4 PROSPECTIVE JUROR #3: No.

5 THE COURT: Our printout notes that you're
6 married; is that correct?

7 PROSPECTIVE JUROR #3: Yes.

8 THE COURT: Are you presently employed?

9 PROSPECTIVE JUROR #3: Yes.

10 THE COURT: What type of work do you do?

11 PROSPECTIVE JUROR #3: Machine operator.

12 THE COURT: And your spouse, is she
13 employee outside of the home at this time?

14 PROSPECTIVE JUROR #3: No.

15 THE COURT: Have you heard anything about
16 this case before coming to this courtroom today?

17 PROSPECTIVE JUROR #3: No.

18 THE COURT: Do you know of any reason why
19 you could not be a fair and impartial juror in this
20 matter?

21 PROSPECTIVE JUROR #3: No.

22 THE COURT: Thank you very much.

23 Mr. Gillen, do you remember the series of
24 questions I'm speaking of when I refer to the group
25 questions?

1 PROSPECTIVE JUROR #4: Yes.

2 THE COURT: Would you've answered any of
3 those questions yes?

4 PROSPECTIVE JUROR #4: No.

5 THE COURT: Have you yourself or any close
6 friend or relative ever done any work with any
7 police departments, defense lawyers, prosecuting
8 attorney's office, security guards, military
9 police, fire department, or investigators of any
10 kind?

11 PROSPECTIVE JUROR #4: No.

12 THE COURT: Have you yourself or any close
13 friend or relative ever been arrested, charged, or
14 convicted of any criminal offense?

15 PROSPECTIVE JUROR #4: Have I ever been
16 arrested at all?

17 THE COURT: Yes.

18 PROSPECTIVE JUROR #4: Or any one I know,
19 yes.

20 THE COURT: Was it to yourself or close
21 friends or relatives?

22 PROSPECTIVE JUROR #4: It was me, myself.

23 THE COURT: What were you arrested,
24 charged or convicted of?

25 PROSPECTIVE JUROR #4: I was just

1 arrested, it wasn't a big deal. I was having a
2 party and the cops came.

3 THE COURT: It was too loud?

4 PROSPECTIVE JUROR # 4: Right.

5 THE COURT: Was there anything in that
6 experience that you might hold against either the
7 prosecution or the defense in this matter?

8 PROSPECTIVE JUROR #4: No.

9 THE COURT: Anything in that experience
10 that has led you to believe that our criminal
11 justice system ought to be changed in any manner?

12 PROSPECTIVE JUROR #4: No.

13 THE COURT: Listen to my next question
14 very carefully. If the prosecution proves the
15 defendant's guilt beyond a reasonable doubt, what
16 would your verdict be?

17 PROSPECTIVE JUROR #4: Guilty.

18 THE COURT: And if the prosecution fails
19 to prove the defendant's guilt beyond a reasonable
20 doubt, what your verdict be?

21 PROSPECTIVE JUROR #4: Not guilty.

22 THE COURT: Have you yourself or any close
23 friend or relative ever been victims of crime?

24 PROSPECTIVE JUROR #4: No.

25 THE COURT: Have you yourself or any close

1 friend or relative ever have any unpleasant
2 experiences with police officers?

3 PROSPECTIVE JUROR #4: No.

4 THE COURT: Are you familiar with the area
5 of Linwood and Buena Vista in Detroit?

6 PROSPECTIVE JUROR #4: No.

7 THE COURT: Out printout notes out that
8 you're single; is that correct?

9 PROSPECTIVE JUROR #4: Yes.

10 THE COURT: Are you presently employed?

11 PROSPECTIVE JUROR #4: Yes.

12 THE COURT: What type of work do you do?

13 PROSPECTIVE JUROR #4: I'm an arena
14 manager.

15 THE COURT: Have you heard anything about
16 this case before coming to this courtroom today?

17 PROSPECTIVE JUROR #4: No.

18 THE COURT: Do you know any reason why you
19 could not be a fair and impartial juror in this
20 matter?

21 PROSPECTIVE JUROR #4: No.

22 THE COURT: Thank you very much.

23 Mrs. Muhammad, do you remember the series
24 of questions I'm speaking of when I refer to the
25 group questions?

1 PROSPECTIVE JUROR #5: Yes, ma'am. I
2 served on a jury.

3 THE COURT: A civil or criminal matter.

4 PROSPECTIVE JUROR #5: A criminal.

5 THE COURT: Did the charge have anything
6 to do with murder or possession of a firearm?

7 PROSPECTIVE JUROR #5: No, ma'am.

8 THE COURT: Was anything in that prior
9 jury experience that you might hold against either
10 the prosecution or the defense in this matter?

11 PROSPECTIVE JUROR #5: No, ma'am.

12 THE COURT: That was the only group
13 question you would have answered yes?

14 PROSPECTIVE JUROR #5: I don't know if
15 this counts as a physical problem, but I'm a
16 nursing mother right now.

17 THE COURT: All you have to do is let us
18 know. Where's the baby?

19 PROSPECTIVE JUROR #5: She's at home right
20 now.

21 THE COURT: No, then is that not going
22 to-- how are you handling it? I mean, are you
23 using a breast pump or something so there's milk
24 for the baby or do you have to go to where the baby
25 is all the time?

1 PROSPECTIVE JUROR #5: I left her some
2 milk today. This is the first time I've been away
3 from her.

4 THE COURT: Okay. Now, I don't have a
5 problem with it if you don't, but if it's going to
6 create a problem for you nursing the baby, you
7 should let us know.

8 PROSPECTIVE JUROR #5: No.

9 THE COURT: Okay. Have you yourself or
10 any close friend or relative ever done any work
11 with any police departments, defense lawyers,
12 prosecuting attorney's office, security guards,
13 military police, fire department, or investigators
14 of any kind?

15 PROSPECTIVE JUROR #5: No, ma'am.

16 THE COURT: Have you yourself or any close
17 friend or relative ever been arrested, charged or
18 convicted of any criminal offense?

19 PROSPECTIVE JUROR #5: No, ma'am.

20 THE COURT: Have you yourself or any close
21 friend or relative ever been victims of crime?

22 PROSPECTIVE JUROR #5: Yes, ma'am.

23 THE COURT: What kinds of crime?

24 PROSPECTIVE JUROR #5: My uncle was
25 murdered.

1 THE COURT: Do you know the circumstances?

2 PROSPECTIVE JUROR #5: Yes.

3 THE COURT: What were the circumstances?

4 PROSPECTIVE JUROR #5: My cousin murdered
5 him, his son murdered him.

6 THE COURT: Would you be able to put that
7 personal experience out of your mind and decide
8 this case based solely on the evidence presented in
9 this courtroom and the laws as I give to you?

10 PROSPECTIVE JUROR #5: Yes, ma'am.

11 THE COURT: Have you yourself or any close
12 friend or relative ever have any unpleasant experiences
13 with police officers?

14 PROSPECTIVE JUROR #5: No.

15 THE COURT: Are you familiar with the area
16 of West Buena Vista and Linwood in Detroit?

17 PROSPECTIVE JUROR #5: No, I'm not.

18 THE COURT: Our printout notes that you're
19 married?

20 PROSPECTIVE JUROR #5: Yes.

21 THE COURT: And I know that's correct,
22 right?

23 PROSPECTIVE JUROR #5: Yes.

24 THE COURT: And you're presently employed.

25 PROSPECTIVE JUROR #5: No, ma'am.

1 THE COURT: And your spouse, is he
2 employed outside of the home at this time?

3 PROSPECTIVE JUROR #5: Yes, ma'am.

4 THE COURT: What type of work does he do?

5 PROSPECTIVE JUROR #5: He's a technician.

6 THE COURT: Have you heard anything about
7 this case before coming to this courtroom today?

8 PROSPECTIVE JUROR #5: No, ma'am.

9 THE COURT: Do you know of any reason why
10 you could not be a fair and impartial juror in this
11 matter?

12 PROSPECTIVE JUROR #5: No.

13 THE COURT: Thank you very much.

14 Mrs. Kneshtel, do you remember the series
15 of questions I'm speaking of ever when I refer to
16 the group questions?

17 PROSPECTIVE JUROR #6: Yes.

18 THE COURT: Would you have answered any of
19 those questions yes?

20 PROSPECTIVE JUROR #6: Yes.

21 THE COURT: Which ones, ma'am?

22 PROSPECTIVE JUROR #6: I have served on a
23 jury before.

24 THE COURT: Civil or criminal matter?

25 PROSPECTIVE JUROR #6: Civil.

1 THE COURT: The judge probably instructed
2 you to find by what we call preponderance of the
3 evidence. It was like putting the evidence on a
4 scale and weighing it. Whichever side presented
5 the most evidence was the side that you would find
6 for. Do you understand that this is a criminal
7 case?

8 PROSPECTIVE JUROR #6: Yes.

9 THE COURT: And that the prosecution must
10 prove guilt and must prove guilt beyond a
11 reasonable doubt?

12 PROSPECTIVE JUROR #6: Right.

13 THE COURT: Was there anything in that
14 prior jury experience case that has led you to
15 believe our criminal justice system ought to be
16 changed in any manner?

17 PROSPECTIVE JUROR #6: No.

18 THE COURT: Anything in that experience
19 you might hold against either the prosecution or
20 the defense in this matter?

21 PROSPECTIVE JUROR #6: No.

22 THE COURT: Was that the only group
23 question you would have answered yes?

24 PROSPECTIVE JUROR #6: Yes.

25 THE COURT: Have you yourself or any close

1 friend or relative ever done any work with any
2 police departments, defense lawyers, prosecuting
3 attorney's office, security guards, military
4 police, fire department, or investigators of any
5 kind?

6 PROSPECTIVE JUROR #6: No.

7 THE COURT: Have you yourself or any close
8 friend or relative ever been arrested, charged or
9 convicted of any criminal offense?

10 PROSPECTIVE JUROR #6: No.

11 THE COURT: Have you yourself or any close
12 friend or relative ever been victims of crime?

13 PROSPECTIVE JUROR #6: Yes.

14 THE COURT: What kinds of crime?

15 PROSPECTIVE JUROR #6: My cousin was
16 murdered.

17 THE COURT: Do you know the circumstances
18 under which that occurred?

19 PROSPECTIVE JUROR #6: No, it was unresolved.

20 THE COURT: Was there anything in that
21 experience that you might hold against either the
22 prosecution or defense in this case?

23 PROSPECTIVE JUROR #6: I'm saying no. I'm
24 not really sure until everything surfaces but.

25 THE COURT: But then we're going to thank

1 and excuse you at this time.

2 PROSPECTIVE JUROR #6: Thank you.

3 THE CLERK: Mitosinka Diane,
4 M-i-t-o-s-i-n-k-a, please take seat six.

5 THE COURT: Ms. Mitosinka, welcome to the
6 jury panel box. Were you able to hear and
7 understand all the statements I made to the jury
8 panel earlier?

9 PROSPECTIVE JUROR #6: Yes.

10 THE COURT: Do you remember the series of
11 questions I'm speaking of when I refer to the group
12 questions?

13 PROSPECTIVE JUROR #6: Yes.

14 THE COURT: Would you have answered any of
15 those questions yes?

16 PROSPECTIVE JUROR #6: Yes, ma'am. My
17 children were in serious problems with drugs. I
18 had been abused. I don't remember the group
19 questions.

20 THE COURT: Okay. Group questions, do you
21 have any religious or other beliefs that would
22 prohibit you sitting judgment on another human
23 being? Did you recognize any of the parties who
24 were introduce or names of witnesses that were
25 read as persons you might know? Have you ever had

1 any prior jury experience? Have you ever testified
2 in any court matter with the exception of divorce
3 cases? Do you have any physical problems. Are you
4 taking any medication which would make it
5 impossible for you to sit on the schedule that I
6 described earlier?

7 And the last and the most important of
8 the group questions is whether you have any
9 problems or reservations in applying the legal
10 principles that I tell you control the conduct of
11 criminal cases? Would you have said yes to any of
12 those questions?

13 PROSPECTIVE JUROR #6: Yes, ma'am.

14 THE COURT: Which one?

15 PROSPECTIVE JUROR #6: I'm diabetic, and
16 I've been served -- I was having these medical
17 problems.

18 THE COURT: Now, wait a minute. Are you
19 telling me you served as a juror?

20 PROSPECTIVE JUROR #6: Okay, well, I --

21 THE COURT: Slow down. Let's take one
22 thing at a time. I have the lawyers and I make
23 them laugh all the time and tell them I went Cass
24 Technical High School and they taught me one thing,
25 and that is to take things one at a time.

1 Now, the first thing, the first thing you
2 started to say you had prior what?

3 PROSPECTIVE JUROR #6: I was on jury duty.

4 THE COURT: Okay, was it a civil or
5 criminal matter?

6 PROSPECTIVE JUROR #6: I think it was
7 civil.

8 THE COURT: Do you understand this is a
9 criminal case?

10 PROSPECTIVE JUROR #6: Yes, ma'am.

11 THE COURT: And that the prosecution must
12 prove guilt and must prove guilt beyond a
13 reasonable doubt?

14 PROSPECTIVE JUROR #6: Yes, ma'am.

15 THE COURT: Was there anything in that
16 prior jury experience that you might hold against
17 either the prosecution or the defense in this
18 case?

19 PROSPECTIVE JUROR #6: Yes, ma'am, I have
20 dyslexia and I also have this --

21 THE COURT: Now, why would you hold the
22 fact -- my daughter's dyslexia too. She owns her
23 own company. Graduated from college. Now you want
24 to tell me why you hold dyslexia against the
25 prosecution or the defense?

1 PROSPECTIVE JUROR #6: A lot of times
2 someone would make a statement to me and I can't
3 really -- how can I put it, sometimes it takes me
4 longer to think than an average person. I don't
5 understand what a lot people say to me.

6 THE COURT: Okay, but you wouldn't hold
7 that against the prosecution or the defense in this
8 case, would you?

9 PROSPECTIVE JUROR #6: No, ma'am.

10 THE COURT: Okay. Now, you were about to
11 tell me that you're diabetic.

12 PROSPECTIVE JUROR #6: Yes, ma'am.

13 THE COURT: That means that you must take
14 frequent breaks to eat when you need to?

15 PROSPECTIVE JUROR #6: Yes, ma'am, I carry
16 food with me.

17 THE COURT: Okay. Well, all you have to
18 do is let us know and we'll take a break for that.
19 Okay?

20 Now, was there something else you wanted
21 to tell me in those group questions? The group
22 questions, just the group questions because I'll
23 get to the others in a moment.

24 PROSPECTIVE JUROR #6: No, ma'am.

25 THE COURT: Have you yourself or any close

1 friend or relative ever done any work with any
2 police departments, defense lawyers, prosecuting
3 attorney's office, security guards, military
4 police, fire department, or investigators of any
5 kind?

6 PROSPECTIVE JUROR #6: No.

7 THE COURT: Have you yourself or any close
8 friend or relative ever been arrested, charged or
9 convicted of any criminal offense?

10 PROSPECTIVE JUROR #6: No.

11 THE COURT: Have you yourself or any close
12 friend or relative ever been victims of crime?

13 PROSPECTIVE JUROR #6: No.

14 THE COURT: Have you yourself or any close
15 friend or relative ever have any unpleasant
16 experiences with police officers?

17 PROSPECTIVE JUROR #6: No, ma'am.

18 THE COURT: You were telling me something
19 about you yourself have been abused or your
20 children?

21 PROSPECTIVE JUROR #6: Yes, ma'am.

22 THE COURT: Okay, let's go back then.
23 Have you yourself or any close friend or relative
24 ever been the victims of crime?

25 PROSPECTIVE JUROR #6: We were a victim of

1 drugs.

2 THE COURT: But you yourself, did you say
3 you were abused in some way?

4 PROSPECTIVE JUROR #6: Yes, ma'am. After
5 six years I developed amnesia from the abuse.

6 THE COURT: Okay, but you were a victim of
7 abuse?

8 PROSPECTIVE JUROR #6: Yes, I was.

9 THE COURT: Anything in that experience as
10 a victim that would cause you to be unfair to
11 either the prosecution or the defense in this
12 case?

13 PROSPECTIVE JUROR #6: No, ma'am.

14 THE COURT: Now, your children, were they
15 using drugs?

16 PROSPECTIVE JUROR #6: Yes, ma'am.

17 THE COURT: Would that cause you to be
18 unfair in this particular case?

19 PROSPECTIVE JUROR #6: Personally, Your
20 Honor, I feel that --

21 THE COURT: Listen to me. Would it cause
22 you to be unfair in this case, yes or no?

23 PROSPECTIVE JUROR #6: No.

24 THE COURT: Are you sure?

25 PROSPECTIVE JUROR #6: Yes.

1 THE COURT: Okay. Would you please
2 approach for a moment.

3 (Discussion at bench of the record, out
4 of prospective jury panel's hearing)

5 (Back on the record.)

6 THE COURT: I have asked the lawyers some
7 questions and they tell me that during the course
8 of this trial you may find that there is some drug
9 involvement in this case.

10 PROSPECTIVE JUROR #6: Yes, ma'am.

11 THE COURT: Would the fact that they could
12 show that there was some drug involvement cause you
13 to be unfair to either the prosecution or the
14 defense in this matter?

15 PROSPECTIVE JUROR #6: No, ma'am,
16 everyone's responsible for their own actions.

17 THE COURT: Have you yourself or any close
18 friend or relative ever have any unpleasant
19 experiences with police officers?

20 PROSPECTIVE JUROR #6: No.

21 THE COURT: Are you familiar with the area
22 of West Buena Vista and Linwood in Detroit?

23 PROSPECTIVE JUROR #6: No.

24 THE COURT: Our printout notes that you're
25 married; is that correct?

1 PROSPECTIVE JUROR #6: Yes, ma'am.

2 THE COURT: It also notes that your spouse
3 is a retiree; is that right?

4 PROSPECTIVE JUROR #6: Yes.

5 THE COURT: What type of work did he do
6 before retirement?

7 PROSPECTIVE JUROR #6: He worked at Farmer
8 Jack's and Kroger's.

9 THE COURT: And you yourself are you
10 employed outside of the home at this time?

11 PROSPECTIVE JUROR #6: No, ma'am.

12 THE COURT: What type of work did you do?

13 PROSPECTIVE JUROR #6: I was in bakery and
14 the deli.

15 THE COURT: Have you heard anything about
16 this case before coming to this courtroom today?

17 PROSPECTIVE JUROR #6: No, ma'am.

18 THE COURT: Do you know of any reason why
19 you could not be a fair and impartial juror in this
20 matter?

21 PROSPECTIVE JUROR #6: No problem.

22 THE COURT: Okay, thank you.

23 Mr. Kitze, is that correct?

24 PROSPECTIVE JUROR #7: Yes.

25 THE COURT: Sir, your marital status is

1 not listed on our printout.

2 PROSPECTIVE JUROR #7: Single.

3 THE COURT: Do you remember the series of
4 questions I'm speaking of when I refer to the group
5 questions?

6 PROSPECTIVE JUROR #7: Yes.

7 THE COURT: Would you've answer any of
8 those questions yes?

9 PROSPECTIVE JUROR #7: No.

10 THE COURT: Have you yourself or any close
11 friend or relative ever done any work with any
12 police departments, defense lawyers, prosecuting
13 attorney's office, security guards, military
14 police, fire department, or investigators of any
15 kind?

16 PROSPECTIVE JUROR #7: No.

17 THE COURT: Have you yourself or any close
18 friend or relative ever been arrested, charged or
19 convicted of any criminal offense?

20 PROSPECTIVE JUROR #7: DUI.

21 THE COURT: Was that to yourself or close
22 friend or relative?

23 PROSPECTIVE JUROR #7: Me.

24 THE COURT: Was there anything in that
25 experience that led you believe that our criminal

1 justice system ought to be changed in any manner?

2 PROSPECTIVE JUROR #7: No.

3 THE COURT: Anything in that experience
4 you might hold against either the prosecution or
5 the defense?

6 PROSPECTIVE JUROR #7: No.

7 THE COURT: Listen to my next question
8 very carefully. If the prosecution proves the
9 defendant's guilt beyond a reasonable doubt, what
10 would your verdict be?

11 PROSPECTIVE JUROR #7: Guilty.

12 THE COURT: And if the prosecution fails
13 to prove the defendant's guilt beyond a reasonable
14 doubt, what your verdict be?

15 PROSPECTIVE JUROR #7: Not guilty.

16 THE COURT: Have you yourself or any close
17 friend or relative ever been victims of crime?

18 PROSPECTIVE JUROR #7: No.

19 THE COURT: Have you yourself or any close
20 friend or relative ever have any unpleasant
21 experiences with police officers?

22 PROSPECTIVE JUROR #7: No.

23 THE COURT: Are you familiar with the area
24 of West Buena Vista and Linwood in Detroit?

25 PROSPECTIVE JUROR #7: Yes.

1 THE COURT: Would the fact that you're
2 familiar with the area cause you to be unfair to
3 either the prosecution or the defense in this
4 matter?

5 PROSPECTIVE JUROR #7: No.

6 THE COURT: You told us you're single. Are
7 you presently employed?

8 PROSPECTIVE JUROR #7: Yes.

9 THE COURT: What type of work do you do?

10 PROSPECTIVE JUROR #7: Overhead line work.

11 THE COURT: Have you heard anything about
12 this case before coming to this courtroom today?

13 PROSPECTIVE JUROR #7: Nope.

14 THE COURT: Do you have any reason at all
15 why you could not be a fair and impartial juror in
16 this matter?

17 PROSPECTIVE JUROR #7: Nope.

18 THE COURT: Thank you very much.

19 Mr. Malkowski, do you remember the series
20 of questions I'm speaking of when I refer to the
21 group questions?

22 PROSPECTIVE JUROR #8: Yes.

23 THE COURT: Would you have answered of
24 those questions yes?

25 PROSPECTIVE JUROR #8: No.

1 THE COURT: Have you yourself or any close
2 friend or relative ever done any work with any
3 police departments, defense lawyers, prosecuting
4 attorney's office, security guards, military
5 police, fire department, or investigators of any
6 kind?

7 PROSPECTIVE JUROR #8: I belong to a club
8 made up of neighborhood security.

9 THE COURT: Anything in those relationships
10 that have led you to believe that our criminal
11 justice system ought to be changed in any manner?

12 PROSPECTIVE JUROR #8: No.

13 THE COURT: Anything in those
14 relationships you might hold against either the
15 prosecution or the defense in this matter?

16 PROSPECTIVE JUROR #8: No.

17 THE COURT: Would you believe a police
18 officer before you'd believe an ordinary citizen
19 just because one was a police officer?

20 PROSPECTIVE JUROR #8: No.

21 THE COURT: Have you yourself or any close
22 friend or relative ever been victims of crime?

23 PROSPECTIVE JUROR #8: No.

24 THE COURT: Have you yourself or any close
25 friend or relative ever been victims of crime?

1 PROSPECTIVE JUROR #8: No.

2 THE COURT: Have you yourself or any close
3 friend or relative ever have any unpleasant
4 experiences with police officers?

5 PROSPECTIVE JUROR #8: No.

6 THE COURT: Our printout notes that you're
7 married; is that correct?

8 PROSPECTIVE JUROR #8: Yes.

9 THE COURT: Are you familiar with the area
10 of West Buena Vista and Linwood in Detroit?

11 PROSPECTIVE JUROR #8: No.

12 THE COURT: Our printout also notes that
13 you are a retiree; is that right?

14 PROSPECTIVE JUROR #8: Yes.

15 THE COURT: What type of work did you do
16 before retirement?

17 PROSPECTIVE JUROR #8: Construction.

18 THE COURT: And your spouse is she
19 employed outside of the home at this time?

20 PROSPECTIVE JUROR #8: No.

21 THE COURT: Do you have any reason why you
22 could not be a fair and impartial juror in this
23 matter?

24 PROSPECTIVE JUROR #8: No.

25 THE COURT: Have you heard anything about

1 this case before coming to this courtroom today?

2 PROSPECTIVE JUROR #8: No.

3 THE COURT: Thank you.

4 Mr. Tidrick, do you remember the series
5 of questions I'm speaking of when I refer to the
6 group questions?

7 PROSPECTIVE JUROR #9: Yes.

8 THE COURT: Would you have answered any of
9 those questions yes?

10 PROSPECTIVE JUROR #9: No.

11 THE COURT: Have you yourself or any close
12 friend or relative ever done any work with any
13 police departments, defense lawyers, prosecuting
14 attorney's office, security guards, military
15 police, fire department, or investigators of any
16 kind?

17 PROSPECTIVE JUROR #9: No.

18 THE COURT: Have you yourself or any close
19 friend or relative ever been arrested, charged, or
20 convicted of any criminal offense?

21 PROSPECTIVE JUROR #9: No.

22 THE COURT: Have you yourself or any close
23 friend or relative ever been victims of crime?

24 PROSPECTIVE JUROR #9: No.

25 THE COURT: Have you yourself or any close

1 friend or relative ever have any unpleasant experiences
2 with police officers?

3 PROSPECTIVE JUROR #9: No.

4 THE COURT: Are you familiar with the area
5 of Buena Vista and Linwood in Detroit?

6 PROSPECTIVE JUROR #9: No.

7 THE COURT: Our printout notes that you're
8 single; is that correct.

9 PROSPECTIVE JUROR #9: Yes.

10 THE COURT: Are you presently employed,
11 sir.

12 PROSPECTIVE JUROR #9: Yes.

13 THE COURT: What type of work do you do?

14 PROSPECTIVE JUROR #9: Tool sales.

15 THE COURT: Have you heard anything about
16 this case before coming to this courtroom today?

17 PROSPECTIVE JUROR #9: No.

18 THE COURT: Do you know of any reason why
19 you could not be a fair and impartial juror in this
20 matter?

21 PROSPECTIVE JUROR #9: Nope.

22 THE COURT: Thank you very much.

23 Mr. Belanger, do you remember the series
24 of questions I'm speaking of when I refer to the
25 group questions?

1 PROSPECTIVE JUROR #10: Yes.

2 THE COURT: Would you have answered any of
3 those questions yes?

4 PROSPECTIVE JUROR #10: No.

5 THE COURT: Have you yourself or any close
6 friend or relative ever done any work with any
7 police departments, defense lawyers, prosecuting
8 attorney's office, security guards, military
9 police, fire department, or investigators of any
10 kind?

11 PROSPECTIVE JUROR #10: My sister-in-law
12 is a paralegal.

13 THE COURT: Anything of that relationship
14 that has led you to believe that our criminal
15 justice system ought to be changed in any manner?

16 PROSPECTIVE JUROR #10: No.

17 THE COURT: Anything in that relationship
18 or experience you might hold against either the
19 prosecution or defense in this matter?

20 PROSPECTIVE JUROR #10: No.

21 THE COURT: Have you yourself or any close
22 friend or relative ever been arrested, charged or
23 convicted of any criminal offense?

24 PROSPECTIVE JUROR #10: No.

25 THE COURT: Have you yourself or any close

1 friend or relative ever been victims of crime?

2 PROSPECTIVE JUROR #10: Yeah, my wife was
3 robbed at gun point.

4 THE COURT: Would you be able to put her
5 experience out of your mind and decide this case
6 based solely on the evidence presented in this
7 courtroom and the laws as I give it to you?

8 PROSPECTIVE JUROR #10: Yes.

9 THE COURT: Have you yourself or any close
10 friend or relative ever have any unpleasant
11 experiences with police officers?

12 PROSPECTIVE JUROR #10: No.

13 THE COURT: Are you familiar with the area
14 of West Buena Vista and Linwood in Detroit?

15 PROSPECTIVE JUROR #10: No.

16 THE COURT: Our printout notes that you're
17 married; is that correct?

18 PROSPECTIVE JUROR #10: Yes.

19 THE COURT: Are you presently employed?

20 PROSPECTIVE JUROR #10: Yes.

21 THE COURT: What type of work do you do?

22 PROSPECTIVE JUROR #10: Shipping and
23 receiving.

24 THE COURT: And your spouse, is she
25 employed outside of the home at this time?

1 PROSPECTIVE JUROR #10: No.

2 THE COURT: Have you heard anything about
3 this case before coming to this courtroom today?

4 PROSPECTIVE JUROR #10: No.

5 THE COURT: Do you know of any reason why
6 you could not be a fair and impartial juror in this
7 matter?

8 PROSPECTIVE JUROR #10: No.

9 THE COURT: Thank you very much.

10 Mr. Takach, do you remember the series of
11 questions I'm speaking of when I refer to the group
12 questions?

13 PROSPECTIVE JUROR #11: Yes.

14 THE COURT: Which you have answered any of
15 those questions yes?

16 PROSPECTIVE JUROR #11: Yes.

17 THE COURT: Which ones, sir?

18 PROSPECTIVE JUROR #11: I served on a jury
19 before.

20 THE COURT: Civil or criminal matter?

21 PROSPECTIVE JUROR #11: Criminal.

22 THE COURT: Did the charge have anything
23 to do with murder or possession of a firearm?

24 PROSPECTIVE JUROR #11: No.

25 THE COURT: Was there anything in that

1 prior jury experience that you might hold against
2 either the prosecution or defense in this matter?

3 PROSPECTIVE JUROR #11: No.

4 THE COURT: Was that the only group
5 question you would have answered yes?

6 PROSPECTIVE JUROR #11: I have testified
7 before.

8 THE COURT: What kind of a case was it?

9 PROSPECTIVE JUROR #11: Bank fraud.

10 THE COURT: Was there anything in that
11 experience as a witness that has led you to believe
12 that our criminal justice system ought to be
13 changed in any manner?

14 PROSPECTIVE JUROR #11: No.

15 THE COURT: Anything in that experience as
16 a witness that you might hold against either
17 prosecution or the defense in this matter?

18 PROSPECTIVE JUROR #11: No.

19 THE COURT: Those were the only two group
20 questions you would have answered yes?

21 PROSPECTIVE JUROR #11: Correct.

22 THE COURT: Have you yourself or any close
23 friend or relative ever done any work with any
24 police departments, defense lawyers, prosecuting
25 attorney's office, security guards, military

1 police, fire department, or investigators of any
2 kind?

3 PROSPECTIVE JUROR #11: Yes.

4 THE COURT: Was that you yourself or close
5 friends or relatives?

6 PROSPECTIVE JUROR #11: Myself.

7 THE COURT: And was it with police,
8 defense, prosecutors what?

9 PROSPECTIVE JUROR #11: Both actually.

10 THE COURT: Anything in those experiences
11 that have led that you to believe that our criminal
12 justice system ought to be changed in any manner?

13 PROSPECTIVE JUROR #11: No.

14 THE COURT: Anything in those experiences
15 you might hold against either prosecution or
16 defense in this matter?

17 PROSPECTIVE JUROR #11: No.

18 THE COURT: Would you believe a police
19 officer before you'd believe an ordinary citizen
20 simply because one was a police officer?

21 PROSPECTIVE JUROR #11: No.

22 THE COURT: Have you yourself or any close
23 friend or relative ever been arrested, charged or
24 convicted of any criminal offense?

25 PROSPECTIVE JUROR #11: No.

1 THE COURT: Have you or yourself or close
2 friend or relative ever been the victims of crime?

3 PROSPECTIVE JUROR #11: No.

4 THE COURT: Have you yourself or any close
5 friend or relative ever have any unpleasant
6 experiences with police officers?

7 PROSPECTIVE JUROR #11: No.

8 THE COURT: Are you familiar with the area
9 of West Buena Vista and Linwood in Detroit?

10 PROSPECTIVE JUROR #11: No.

11 THE COURT: Our printout notes that you
12 are divorced; is that correct?

13 PROSPECTIVE JUROR #11: Correct.

14 THE COURT: And are you a retiree?

15 PROSPECTIVE JUROR #11: Correct.

16 THE COURT: What type of work did you do
17 before retirement?

18 PROSPECTIVE JUROR #11: Banking.

19 THE COURT: Have you heard anything about
20 this case before coming to this courtroom today?

21 PROSPECTIVE JUROR #11: No.

22 THE COURT: Do you know of any reason why
23 you could not be a fair and impartial juror in this
24 matter?

25 PROSPECTIVE JUROR #11: No.

1 THE COURT: Thank you very much. We'll
2 have to take a 20 minute coffee break. I'll
3 caution the jurors you may not discuss this case
4 among yourself nor with anyone else. We'll let you
5 take a 20 minute coffee break. Please be outside
6 that door at a quarter to the hour by that clock.

7 We'll rise for the jurors to go for
8 coffee. Everyone rise. Jurors are free to go for
9 coffee and be outside that door at a quarter to.

10 (Prospective jury panel exits courtroom)

11 THE COURT: Rise for the jurors.

12 (Prospective jury panel enters courtroom)

13 THE COURT: You may be seated.

14 Mrs. Barazsu, do you remember the series
15 of questions I'm speaking of when I refer to the
16 group questions?

17 PROSPECTIVE JUROR #12: Yes.

18 THE COURT: Would you have answered any of
19 those questions yes?

20 PROSPECTIVE JUROR #12: No.

21 THE COURT: Have you yourself or any close
22 friend or relative ever done any work with any
23 police departments, defense lawyers, prosecuting
24 attorney's office, security guards, military
25 police, fire department, or investigators of any

1 kind?

2 PROSPECTIVE JUROR #12: Yeah, a neighbor
3 of mine was Chief of Police and another neighbor
4 was the Fire Chief.

5 THE COURT: Anything in those relationships
6 that have led you to believe that our criminal
7 justice system ought to be changed in any manner?

8 PROSPECTIVE JUROR #12: No.

9 THE COURT: Anything in those
10 relationships you might hold against either the
11 prosecution or the defense in this matter?

12 PROSPECTIVE JUROR #12: No.

13 THE COURT: Would you believe a police
14 officer before you believe an ordinary citizen
15 simply because one was a police officer?

16 PROSPECTIVE JUROR #12: No.

17 THE COURT: Have you yourself or any close
18 friend or relative ever been arrested, charged or
19 convicted of any criminal offense?

20 PROSPECTIVE JUROR #12: My husband, DUI.

21 THE COURT: Was anything in that
22 experience that has led you to believe that our
23 criminal justice system ought to be changed in any
24 manner?

25 PROSPECTIVE JUROR #12: No.

1 THE COURT: Anything in that experience
2 you might hold against either against the
3 prosecution or the defense in this matter?

4 PROSPECTIVE JUROR #12: No.

5 THE COURT: Listen to my next question
6 very carefully. If the prosecution proves the
7 defendant's guilt beyond a reasonable doubt, what
8 would your verdict be?

9 PROSPECTIVE JUROR #12: Guilty.

10 THE COURT: And if the prosecution fails
11 to prove the defendant's guilt beyond a reasonable
12 doubt, what your verdict be?

13 PROSPECTIVE JUROR #12: Not guilty.

14 THE COURT: Have you yourself or any close
15 friend or relative ever been victims of crime?

16 PROSPECTIVE JUROR #12: Yes.

17 THE COURT: What kinds of crimes?

18 PROSPECTIVE JUROR #12: I've had three
19 cars stolen. And my brother shot my nephew and
20 sister-in-law and then shot himself.

21 THE COURT: Did any of the persons
22 survive?

23 PROSPECTIVE JUROR #12: No.

24 THE COURT: This is a murder case. Would
25 you be able to put all those personal experiences

1 out of your mind, and can you decide this case
2 based solely on the evidence presented in this
3 courtroom and the law as I give it to you.

4 PROSPECTIVE JUROR #12: No.

5 THE COURT: We're going to thank and
6 excuse you at this time. Please step on the side
7 and you get your slip and go back upstairs.

8 THE CLERK: White, Lynette seat 12,
9 please.

10 THE COURT: Ms. White welcome to the jury
11 panel. Were you able to hear and understand all
12 the statements I made to the jury panel earlier?

13 PROSPECTIVE JUROR #12: Yes.

14 THE COURT: Do you remember the series of
15 questions I'm speaking of when I refer to the group
16 questions?

17 PROSPECTIVE JUROR #12: Yes.

18 THE COURT: Would you have answered any of
19 those questions yes?

20 PROSPECTIVE JUROR #12: No.

21 THE COURT: Have you yourself or any close
22 friend or relative ever done any work with any
23 police departments, defense lawyers, prosecuting
24 attorney's office, security guards, military
25 police, fire department, or investigators of any

1 kind?

2 PROSPECTIVE JUROR #12: No.

3 THE COURT: Have you yourself or any close
4 friend or relative ever been arrested, charged or
5 convicted of any criminal offense?

6 PROSPECTIVE JUROR #12: Yes.

7 THE COURT: Was that to yourself or close
8 friends or relatives?

9 PROSPECTIVE JUROR #12: Me.

10 THE COURT: What were you arrested,
11 charged or convicted of?

12 PROSPECTIVE JUROR #12: Assault and
13 battery.

14 THE COURT: I couldn't hear you.

15 PROSPECTIVE JUROR #12: Assault and
16 battery.

17 THE COURT: Was anything in that
18 experience that has led you to believe that our
19 criminal justice system ought to be changed in any
20 manner?

21 PROSPECTIVE JUROR #12: No.

22 THE COURT: Anything in that experience
23 you might hold against either the prosecution or
24 the defense in this matter?

25 PROSPECTIVE JUROR #12: No.

1 THE COURT: Listen to my next question
2 very carefully. If the prosecution proves the
3 defendant's guilt beyond a reasonable doubt, what
4 would your verdict be?

5 PROSPECTIVE JUROR #12: Guilty.

6 THE COURT: And if the prosecution fails
7 to prove the defendant's guilt beyond a reasonable
8 doubt, what would your verdict be?

9 PROSPECTIVE JUROR #12: Not guilty.

10 THE COURT: Have you yourself or any close
11 friend or relative ever been victims of crime?

12 PROSPECTIVE JUROR #12: No.

13 THE COURT: Have you yourself or any close
14 friend or relative ever have any unpleasant
15 experiences with police officers?

16 PROSPECTIVE JUROR #12: No.

17 THE COURT: Are you familiar with the area
18 of West Buena Vista and Linwood in Detroit?

19 PROSPECTIVE JUROR #12: Yes.

20 THE COURT: Would the fact that you're
21 familiar with the area cause you to be unfair to
22 either the prosecution or the defense in this
23 matter?

24 PROSPECTIVE JUROR #12: No.

25 THE COURT: Our printout notes that you're

1 single; is that correct?

2 PROSPECTIVE JUROR #12: Yes.

3 THE COURT: Are you presently employed?

4 PROSPECTIVE JUROR #12: Yes.

5 THE COURT: What type of work do you do?

6 PROSPECTIVE JUROR #12: Medical billing.

7 THE COURT: Have you heard anything about
8 this about case before coming to this courtroom
9 today?

10 PROSPECTIVE JUROR #12: No.

11 THE COURT: Do you know of any reason why
12 you could not be a fair and impartial juror in this
13 matter?

14 PROSPECTIVE JUROR #12: No.

15 THE COURT: Thank you very much.

16 Ms. Fann, do you remember the series of
17 questions I'm speaking of when I refer to the group
18 questions?

19 PROSPECTIVE JUROR #13: Yes.

20 THE COURT: Would you have answered any of
21 those questions yes?

22 PROSPECTIVE JUROR #13: Yes.

23 THE COURT: Which ones, ma'am.

24 PROSPECTIVE JUROR #13: Victim of a crime.

25 THE COURT: Was this something that

1 happened to you or were you just one of the
2 witnesses?

3 PROSPECTIVE JUROR #13: It happened to my
4 neighbor.

5 THE COURT: It happened to your neighbor.

6 PROSPECTIVE JUROR #13: I was one of the
7 witnesses.

8 THE COURT: What kind of a case was it?

9 PROSPECTIVE JUROR #13: Child abuse.

10 THE COURT: Was anything in that
11 experience as a witness that has led you to believe
12 that our criminal justice system ought to be
13 changed in any manner?

14 PROSPECTIVE JUROR #13: No.

15 THE COURT: Anything in that experience as
16 a witness that you might hold against either the
17 prosecution or the defense in this matter?

18 PROSPECTIVE JUROR #13: No.

19 THE COURT: Was that the only group
20 question you would have answered yes?

21 PROSPECTIVE JUROR #13: Yes.

22 THE COURT: Have you yourself or any close
23 friend or relative ever done any work with any
24 police departments, defense lawyers, prosecuting
25 attorney's office, security guards, military

1 police, fire department, or investigators of any
2 kind?

3 PROSPECTIVE JUROR #13: No.

4 THE COURT: Have you yourself or any close
5 friend or relative ever been arrested, charged or
6 convicted of any criminal offense?

7 PROSPECTIVE JUROR #13: No.

8 THE COURT: Have you yourself or any close
9 friend or relative ever been victims of crime?

10 PROSPECTIVE JUROR #13: Yes.

11 THE COURT: What kinds of crimes.

12 PROSPECTIVE JUROR #13: Murder.

13 THE COURT: And the person, the
14 relationship of the person who was the victim, was
15 that the child abuse case you're talking about?

16 PROSPECTIVE JUROR #13: No.

17 THE COURT: This is another matter, do you
18 know the circumstances under which this occurred?

19 PROSPECTIVE JUROR #13: Yes.

20 THE COURT: What were those circumstances?

21 PROSPECTIVE JUROR #13: Car-jacking, he
22 was shot in the back of his vehicle.

23 THE COURT: Would you be able to put that
24 experience out of your mind and decide this case
25 based solely on the evidence presented in this

1 courtroom and the law as I give it to you?

2 PROSPECTIVE JUROR #13: I can't.

3 THE COURT: Then we're going to thank and
4 excuse you at this time. If you step over to the
5 side you'll get your slip to go back upstairs.

6 THE CLERK: Johnson, Betty Jo, seat 13,
7 please.

8 THE COURT: Mrs. Johnson, welcome to the
9 jury panel box. Were you able to hear and
10 understand all the statements I made to the jury
11 panel earlier?

12 PROSPECTIVE JUROR #13: Yes, ma'am.

13 THE COURT: Do you remember the series of
14 questions I'm speaking of when I refer to the group
15 questions?

16 PROSPECTIVE JUROR #13: Yes, ma'am.

17 THE COURT: Would you have answered any of
18 those questions yes?

19 PROSPECTIVE JUROR #13: No.

20 THE COURT: Have you yourself or any close
21 friend or relative ever done any work with any
22 police departments, defense lawyers, prosecuting
23 attorney's office, security guards, military
24 police, fire department, or investigators of any
25 kind?

1 PROSPECTIVE JUROR #13: No.

2 THE COURT: Have you yourself or any close
3 friend or relative ever been arrested, charged or
4 convicted of any criminal offense?

5 PROSPECTIVE JUROR #13: No.

6 THE COURT: Have you yourself or any close
7 friend or relative ever been victims of crime?

8 PROSPECTIVE JUROR #13: I have.

9 THE COURT: What kinds of crimes?

10 PROSPECTIVE JUROR #13: Robbery.

11 THE COURT: Was this a face-to-face
12 confrontation?

13 PROSPECTIVE JUROR #13: Yes, ma'am.

14 THE COURT: Was a weapon used?

15 PROSPECTIVE JUROR #13: Yeah, but they
16 found out it was a plastic gun.

17 THE COURT: Okay. Was there anything in
18 that experience that you might hold against either
19 the prosecution or the defense in this matter?

20 PROSPECTIVE JUROR #13: No.

21 THE COURT: Have you yourself or any close
22 friend or relative ever have any unpleasant
23 experiences with police officers?

24 PROSPECTIVE JUROR #13: No, ma'am.

25 THE COURT: Are you familiar with the area

1 of West Buena Vista and Linwood in Detroit?

2 PROSPECTIVE JUROR #13: Yes, ma'am.

3 THE COURT: Would the fact that you're
4 familiar with the area cause you to be unfair to
5 either the prosecution or the defense in this
6 matter?

7 PROSPECTIVE JUROR #13: No, ma'am.

8 THE COURT: Our printout notes that you're
9 married; is that correct?

10 PROSPECTIVE JUROR #13: Yes.

11 THE COURT: Are you presently employed?

12 PROSPECTIVE JUROR #13: What type of work
13 do you do?

14 PROSPECTIVE JUROR #13: Culinary artist.

15 THE COURT: And your spouse, is he
16 employed outside of the home at this time?

17 PROSPECTIVE JUROR #13: Yes, ma'am.

18 THE COURT: What type of work does he do?

19 PROSPECTIVE JUROR #13: He's a butcher.

20 THE COURT: Have you heard anything about
21 this case before coming to this courtroom today?

22 PROSPECTIVE JUROR #13: No, ma'am.

23 THE COURT: Do you know of any reason why
24 you could not be a fair and impartial juror in this
25 manner?

1 PROSPECTIVE JUROR #13: No, ma'am.

2 THE COURT: Thank you very much.

3 Ms. Hoeft, do you remember the series of
4 questions I'm speaking of when I refer to the group
5 questions?

6 PROSPECTIVE JUROR #14: Yes.

7 THE COURT: Would you have answered any of
8 those questions yes?

9 PROSPECTIVE JUROR #14: No.

10 THE COURT: Have you yourself or any close
11 friend or relative ever done any work with any
12 police departments, defense lawyers, prosecuting
13 attorney's office, security guards, military
14 police, fire department, or investigators of any
15 kind?

16 PROSPECTIVE JUROR #14: Yes.

17 THE COURT: Was that to yourself or close
18 friends or relatives?

19 PROSPECTIVE JUROR #14: Both. I have a
20 cousin who's a Detroit Police Officer and my mother
21 works for attorneys.

22 THE COURT: Anything in those
23 relationships or experiences that have led you to
24 believe that our criminal justice system ought to
25 be changed in any manner?

1 PROSPECTIVE JUROR #14: No.

2 THE COURT: Anything in those
3 relationships or experiences that you might hold
4 against either the prosecution or the defense in
5 this matter?

6 PROSPECTIVE JUROR #14: No.

7 THE COURT: By the way, did you work for
8 criminal defense lawyers?

9 PROSPECTIVE JUROR #14: One of the
10 attorneys did some of that work.

11 THE COURT: Did you ever do any of his
12 work, typing or anything like that?

13 PROSPECTIVE JUROR #13: Just type up
14 complaints.

15 THE COURT: Okay. If during the course of
16 this trial I should give you an instruction and you
17 should say, gee, I remember when I was doing that
18 typing but that wasn't what they said the law was.
19 Whose law will you follow, would you remember what
20 I say?

21 PROSPECTIVE JUROR #14: I would follow
22 what you say.

23 THE COURT: Would you believe a police
24 officer before you'd believe an ordinary citizen
25 simply because one was a police officer?

1 PROSPECTIVE JUROR #14: No.

2 THE COURT: Have you yourself or any close
3 friend or relative ever been arrested, charged or
4 convicted of any criminal offense?

5 PROSPECTIVE JUROR #14: No.

6 THE COURT: Have you yourself or any close
7 friend or relative ever been victims of crime?

8 PROSPECTIVE JUROR #14: My brother-in-law
9 was robbed at gun point.

10 THE COURT: Would you be able to put his
11 experience out of your mind and decide this case
12 based solely on the evidence presented in this
13 courtroom and the law as I give it to you?

14 PROSPECTIVE JUROR #14: Yes.

15 THE COURT: Have you yourself or any close
16 friend or relative ever have any unpleasant
17 experiences with police officers?

18 PROSPECTIVE JUROR #14: No.

19 THE COURT: Are you familiar with the area
20 of West Buena Vista and Linwood in Detroit?

21 PROSPECTIVE JUROR #14: No.

22 THE COURT: Our printout notes that you're
23 married; is that correct?

24 PROSPECTIVE JUROR #14: Yes.

25 THE COURT: Are you presently employed?

1 PROSPECTIVE JUROR #14: Yes.

2 THE COURT: What type of work do you do?

3 PROSPECTIVE JUROR #14: Accountant.

4 THE COURT: And is your spouse is he
5 employed outside of the home at this time?

6 PROSPECTIVE JUROR #14: Yes.

7 THE COURT: What type of work does he do?

8 PROSPECTIVE JUROR #14: He's a nurse.

9 THE COURT: Have you heard anything about
10 this case before coming to this courtroom today?

11 PROSPECTIVE JUROR #14: No.

12 THE COURT: Do you know of any reason why
13 you could not be a fair and impartial juror in this
14 matter?

15 PROSPECTIVE JUROR #14: No.

16 THE COURT: Thank you very much.

17 Do the People pass for cause?

18 MR. HASSINGER: Pass for cause, Judge.

19 THE COURT: Does Defense pass for cause?

20 MR. LANKFORD: For cause, yes, Your Honor.

21 THE COURT: Do People wish to exercise any
22 preemptory challenges at this time?

23 MR. HASSINGER: Yes, Judge, may I exercise
24 more than one?

25 THE COURT: I would really appreciate it.

1 It makes it go a little faster that way.

2 MR. HASSINGER: Thank you, Judge, I just
3 want to make sure. I'd like to thank and excuse
4 the juror in seat six, Diane Mitosinka.

5 THE COURT: Ms. Mitosinka, we thank and
6 excuse you at this time.

7 MR. HASSINGER: And, Judge, I'd like to
8 thank and excuse the juror in seat 12, Lynette
9 White.

10 THE COURT: And Ms. White we thank and
11 excuse you at this time.

12 MR. HASSINGER: Thank you, Your Honor.

13 THE CLERK: Carlson, David Honor, seat
14 six, please.

15 THE CLERK: Hagen, Kenneth, seat 12,
16 please.

17 THE COURT: Mr. Carlson and Mr. Hagen we
18 welcome each of you to the jury panel box. Were
19 you each able to hear and understand the statements
20 I made earlier?

21 PROSPECTIVE JUROR # 6: Yes.

22 PROSPECTIVE JUROR # 12: Yes.

23 THE COURT: We're going to start with Mr.
24 Carlson. Sir, do you remember the series of
25 questions I'm speaking of when I refer to the group

1 questions?

2 PROSPECTIVE JUROR #6: Yes.

3 THE COURT: Would you have answered any of
4 those questions yes?

5 PROSPECTIVE JUROR #6: No.

6 THE COURT: Have you yourself or any close
7 friend or relative ever done any work with any
8 police departments, defense lawyers, prosecuting
9 attorney's office, security guards, military
10 police, fire department, or investigators of any
11 kind?

12 PROSPECTIVE JUROR #6: I have a friend
13 who's a police officer.

14 THE COURT: Anything in that
15 relationship that has led you to believe that our
16 criminal justice system ought to be changed in any
17 manner?

18 PROSPECTIVE JUROR #6: No.

19 THE COURT: Anything in that relationship
20 that you might hold against either the prosecution
21 or the defense in this matter?

22 PROSPECTIVE JUROR #6: No.

23 THE COURT: Would you believe a police
24 officer before you'd believe an ordinary citizen
25 simply because one was a police officer?

1 PROSPECTIVE JUROR #6: No.

2 THE COURT: Have you yourself or any close
3 friend or relative ever been arrested, charged or
4 convicted of any criminal offense?

5 PROSPECTIVE JUROR #6: No.

6 THE COURT: Have you yourself or any close
7 friend or relative ever been victims of crime?

8 PROSPECTIVE JUROR #6: No.

9 THE COURT: Have you yourself or any close
10 friend or relative ever have any unpleasant
11 experiences with police officers?

12 PROSPECTIVE JUROR #6: No.

13 THE COURT: Are you familiar with the area
14 of West Buena Vista and Linwood in Detroit?

15 PROSPECTIVE JUROR #6: No.

16 THE COURT: Our printout notes that you're
17 single; is that correct?

18 PROSPECTIVE JUROR #6: Yes.

19 THE COURT: Are you presently employed?

20 PROSPECTIVE JUROR #6: No, ma'am.

21 THE COURT: Have you heard anything about
22 this case before coming to this courtroom today?

23 PROSPECTIVE JUROR #6: No.

24 THE COURT: Do you know of any reason why
25 you could not be a fair and impartial juror in this

1 matter?

2 PROSPECTIVE JUROR #6: Nope.

3 THE COURT: Thank you very much.

4 Mr. Hagen, do you remember the series of
5 questions I'm speaking of when I refer to the group
6 questions?

7 PROSPECTIVE JUROR #12: Yes.

8 THE COURT: Would you have answered any of
9 those questions yes?

10 PROSPECTIVE JUROR #12: No.

11 THE COURT: Have you yourself or any close
12 friend or relative ever done any work with any
13 police departments, defense lawyers, prosecuting
14 attorney's office, security guards, military
15 police, fire department, or investigators of any
16 kind?

17 PROSPECTIVE JUROR #12: No.

18 THE COURT: Have you yourself or any close
19 friend or relative ever been arrested, charged or
20 convicted of any criminal offense?

21 PROSPECTIVE JUROR #12: No.

22 THE COURT: Have you yourself or any close
23 friend or relative ever been victims of crime?

24 PROSPECTIVE JUROR #12: No.

25 THE COURT: Have you yourself or any close

1 friend or relative ever have any unpleasant
2 experiences with police officers?

3 PROSPECTIVE JUROR #12: No.

4 THE COURT: Are you familiar with the area
5 of West Buena Vista and Linwood in Detroit?

6 PROSPECTIVE JUROR #12: No.

7 THE COURT: Our printout notes that you're
8 married; is that correct?

9 PROSPECTIVE JUROR #12: Yes, it is.

10 THE COURT: Are you presently employed?

11 PROSPECTIVE JUROR #12: Yes.

12 THE COURT: What type of work do you do?

13 PROSPECTIVE JUROR #12: Welder.

14 THE COURT: Have you heard anything about
15 this case before coming to this courtroom today?

16 PROSPECTIVE JUROR #12: No.

17 THE COURT: Do you know of any reason why
18 you could not be a fair and impartial juror in this
19 matter?

20 PROSPECTIVE JUROR #12: No.

21 THE COURT: Thank you very much.

22 People pass for cause?

23 MR. HASSINGER: Yes, Your Honor.

24 THE COURT: Defense pass for cause?

25 MR. LANKFORD: Yes, Your Honor.

1 THE COURT: It's Defense's opportunity if
2 you'd like to exercise it at this time.

3 MR. LANKFORD: Yes, thank you. Excuse,
4 please, juror number one, Mr. Kowalik.

5 THE COURT: Mr. Kowalik, we thank and
6 excuse you at this time.

7 MR. LANKFORD: And also seat 10, Mr.
8 Belanger, please.

9 THE COURT: And Mr. Belanger, we thank and
10 excuse you at this time.

11 THE CLERK: Gegich, Michael G-e-g-i-c-h,
12 seat one, please.

13 Smith, Susan, seat ten, please.

14 THE COURT: Ms. Smith and Mr. Gegich we
15 welcome each of you to the jury panel box. Were
16 you each able to hear and understand all the
17 statements I made earlier?

18 PROSPECTIVE JUROR #1: Yes.

19 PROSPECTIVE JUROR #10: Yes.

20 THE COURT: We're going to start with Mr.
21 Gegich. Sir, do you remember the series of
22 questions I'm speaking of when I refer to the group
23 questions?

24 PROSPECTIVE JUROR #1: Yes

25 THE COURT: Would you have answered any of

1 those questions yes?

2 PROSPECTIVE JUROR #1: No.

3 THE COURT: Have you yourself or any close
4 friend or relative ever done any work with any
5 police departments, defense lawyers, prosecuting
6 attorney's office, security guards, military
7 police, fire department, or investigators of any
8 kind?

9 PROSPECTIVE JUROR #1: No.

10 THE COURT: Have you yourself or any close
11 friend or relative ever been arrested, charged or
12 convicted of any criminal offense?

13 PROSPECTIVE JUROR #1: No.

14 THE COURT: Have you yourself or any close
15 friend or relative ever been victims of crime?

16 PROSPECTIVE JUROR #1: No.

17 THE COURT: Have you yourself or any close
18 friend or relative ever have any unpleasant
19 experiences with police officers?

20 PROSPECTIVE JUROR #1: No.

21 THE COURT: Are you familiar with the area
22 of West Buena Vista and Linwood in Detroit?

23 PROSPECTIVE JUROR #1: No.

24 THE COURT: Out printout notes that you're
25 single; is that correct?

1 PROSPECTIVE JUROR #1: Yes.

2 THE COURT: Are you presently employed,
3 sir?

4 PROSPECTIVE JUROR #1: Yes.

5 THE COURT: What type of work do you do?

6 PROSPECTIVE JUROR #1: I'm a bank clerk.

7 THE COURT: Have you heard anything about
8 this case before coming to this courtroom today?

9 PROSPECTIVE JUROR #1: No.

10 THE COURT: Do you know of any reason why
11 you could not be a fair and impartial juror in this
12 matter?

13 PROSPECTIVE JUROR #1: No

14 THE COURT: Thank you very much.

15 Ms. Smith, do you remember the series of
16 questions I'm speaking of when I refer to the group
17 questions?

18 PROSPECTIVE JUROR #10: Yes.

19 THE COURT: Would you have answered
20 any of those questions yes?

21 PROSPECTIVE JUROR #10: Yes.

22 THE COURT: Which ones, ma'am?

23 PROSPECTIVE JUROR #10: Jury experience.

24 THE COURT: Civil or criminal matter?

25 PROSPECTIVE JUROR #10: Criminal.

1 THE COURT: Did the charge have anything
2 to do with murder or possession of a firearm?

3 PROSPECTIVE JUROR #10: No.

4 THE COURT: Was there anything in that
5 prior jury experience that might hold against
6 either the prosecution or the defense in this
7 matter?

8 PROSPECTIVE JUROR #10: No.

9 THE COURT: Was that the only group
10 question you would have answered yes?

11 PROSPECTIVE JUROR #10: Yes.

12 THE COURT: Have you yourself or any close
13 friend or relative ever done any work with any
14 police departments, defense lawyers, prosecuting
15 attorney's office, security guards, military
16 police, fire department, or investigators of any
17 kind?

18 PROSPECTIVE JUROR #10: Yes.

19 THE COURT: Was that you yourself or close
20 friends or relative?

21 PROSPECTIVE JUROR #10: Friend.

22 THE COURT: What was that friend with?

23 PROSPECTIVE JUROR #10: She was with
24 herself.

25 THE COURT: Anything in that relationship

1 that has led you to believe that our criminal
2 justice system ought to be changed in any manner?

3 PROSPECTIVE JUROR #10: No.

4 THE COURT: Anything in that relationship
5 you might hold either the prosecution or the
6 defense in this matter?

7 PROSPECTIVE JUROR #10: No.

8 THE COURT: Would you believe a police
9 officer before you'd believe an ordinary citizen
10 simply because one was a police officer?

11 PROSPECTIVE JUROR #10: No.

12 THE COURT: Would you believe a police
13 officer before you'd believe an ordinary citizen
14 simply because one was a police officer?

15 PROSPECTIVE JUROR #10: No.

16 THE COURT: Have you yourself or any close
17 friend or relative ever been victims of crime?

18 PROSPECTIVE JUROR #10: No.

19 THE COURT: Have you yourself or any close
20 friend or relative ever have any unpleasant
21 experiences with police officers?

22 PROSPECTIVE JUROR #10: No.

23 THE COURT: Are you familiar with the area
24 of West Buena Vista and Linwood in Detroit?

25 PROSPECTIVE JUROR #10: No.

1 THE COURT: Our printout notes that you're
2 divorced; is that correct?

3 PROSPECTIVE JUROR #10: Yes.

4 THE COURT: Are you presently employed?

5 PROSPECTIVE JUROR #10: Yes.

6 THE COURT: What type of work do you do?

7 PROSPECTIVE JUROR #10: I'm a nurse.

8 THE COURT: Have you heard anything about
9 this case before coming to this courtroom today?

10 PROSPECTIVE JUROR #10: No.

11 THE COURT: Do you know of any reason why
12 you could not be a fair and impartial juror in this
13 matter?

14 PROSPECTIVE JUROR #10: No.

15 THE COURT: Thank you very much.

16 People pass for cause?

17 MR. HASSINGER: Yes, Judge.

18 THE COURT: Defense pass for cause?

19 MR. LANKFORD: Yes, Your Honor.

20 THE COURT: Do the People wish to exercise
21 any preemptory challenge?

22 MR. HASSINGER: No, Your Honor.

23 THE COURT: Defense wish to exercise any
24 preemptory challenges at this time?

25 MR. LANKFORD: One moment, please.

1 THE COURT: Okay.

2 MR. LANKFORD: Judge, Defense would thank
3 and excuse Mr. Malkowski in number eight, please.

4 THE COURT: Mr. Malkowski, we thank and
5 excuse you at this time. That's all?

6 MR. LANKFORD: That's it. Thank you.

7 THE COURT: Okay.

8 THE CLERK: Brooks, Nancy, seat eight,
9 please.

10 THE COURT: Ms. Brooks, welcome to the
11 jury panel box. Were you able to hear and
12 understand all the statements I made to the jury
13 panel earlier?

14 PROSPECTIVE JUROR #8: Yes.

15 THE COURT: Do you remember the series of
16 questions I'm speaking of when I refer to the group
17 questions?

18 PROSPECTIVE JUROR #8: Yes.

19 THE COURT: Would you have answered any of
20 those questions yes?

21 PROSPECTIVE JUROR #8: Yes.

22 THE COURT: Which ones, ma'am?

23 PROSPECTIVE JUROR #8: I sat on a jury
24 before.

25 THE COURT: Civil or criminal matter?

1 PROSPECTIVE JUROR #8: Criminal.

2 THE COURT: Did the charge have anything
3 to do with murder or possession of a firearm?

4 PROSPECTIVE JUROR #8: No.

5 THE COURT: Was anything in that prior
6 jury experience that might cause you to be unfair
7 to either the prosecution or the defense in this
8 matter?

9 PROSPECTIVE JUROR #8: No.

10 THE COURT: That was the only group
11 question you would have answered yes?

12 PROSPECTIVE JUROR #8: I take medication.

13 THE COURT: But you'll be able to sit
14 under our schedule?

15 PROSPECTIVE JUROR #8: Yes.

16 THE COURT: Okay. Have you yourself or
17 any close friend or relative ever done any work
18 with any police departments, defense lawyers,
19 prosecuting attorney's office, security guards,
20 military police, fire department, or investigators
21 of any kind?

22 PROSPECTIVE JUROR #8: No.

23 THE COURT: Have you yourself or any close
24 friend or relative ever been arrested, charged or
25 convicted of any criminal offense?

1 PROSPECTIVE JUROR #8: Yes.

2 THE COURT: Was that to yourself or close
3 friends or relative?

4 PROSPECTIVE JUROR #8: My son.

5 THE COURT: What was he arrested, charged
6 or convicted of?

7 PROSPECTIVE JUROR #8: CCW.

8 THE COURT: Was anything in that
9 experience that has led you to believe that our
10 criminal justice system ought to be changed in any
11 manner?

12 PROSPECTIVE JUROR #8: No.

13 THE COURT: Anything in that experience
14 you might hold against either the prosecution or
15 the defense in this matter?

16 PROSPECTIVE JUROR #8: No.

17 THE COURT: Listen to my next question
18 very carefully. If the prosecution proves the
19 defendant's guilt beyond a reasonable doubt, what
20 would your verdict be?

21 PROSPECTIVE JUROR #8: Guilty.

22 THE COURT: And if the prosecution fails
23 to prove the defendant's guilt beyond a reasonable
24 doubt, what would your verdict be?

25 PROSPECTIVE JUROR #8: Not guilty.

1 THE COURT: Have you yourself or any close
2 friend or relative ever been victims of crime?

3 PROSPECTIVE JUROR #8: Relative.

4 THE COURT: Kinship?

5 PROSPECTIVE JUROR #8: Granddaughter.

6 THE COURT: What kind of crime?

7 PROSPECTIVE JUROR #8: She was molested.

8 THE COURT: Would you be able to put her
9 experience out of your mind and decide this case
10 based solely on the evidence presented in this
11 courtroom and the law as I give it to you?

12 PROSPECTIVE JUROR #8: Yes.

13 THE COURT: Have you yourself or any close
14 friend or relative ever have any unpleasant
15 experiences with police officers?

16 PROSPECTIVE JUROR #8: No.

17 THE COURT: Are you familiar with the area
18 of West Buena Vista and Linwood in Detroit?

19 PROSPECTIVE JUROR #8: Yes.

20 THE COURT: Would the fact that you're
21 familiar with the area cause you to be unfair to
22 either the prosecution or the defense in this
23 case?

24 PROSPECTIVE JUROR #8: No.

25 THE COURT: Our printout notes that you

1 are divorced; is that right?

2 PROSPECTIVE JUROR #8: Yes.

3 THE COURT: It also notes that you're a
4 retiree; is that right?

5 PROSPECTIVE JUROR #8: Yes.

6 THE COURT: What type of work did you do
7 before retirement?

8 PROSPECTIVE JUROR #8: I worked with the
9 Family Independence Agency.

10 THE COURT: Have you heard anything about
11 this case before coming to this courtroom today?

12 PROSPECTIVE JUROR #8: No.

13 THE COURT: Do you know of any reason why
14 you could not be a fair and impartial juror in this
15 matter?

16 PROSPECTIVE JUROR #8: No.

17 THE COURT: Thank you very much.

18 People pass for cause?

19 MR. HASSINGER: Yes, Judge.

20 THE COURT: Defense pass for cause?

21 MR. LANKFORD: Yes, Your Honor.

22 THE COURT: People wish to exercise any
23 preemptory challenges?

24 MR. HASSINGER: No, Your Honor.

25 THE COURT: Defense wish to exercise any

1 preemptory challenges?

2 MR. LANKFORD: Yes, and you indicated
3 multiples?

4 THE COURT: Yes.

5 MR. LANKFORD: Mr. Kitze in seven.

6 THE COURT: Mr. Kitze, we thank and excuse
7 you at this time.

8 MR. LANKFORD: Mr. Takach and Ms. Brooks
9 in eight, please.

10 THE COURT: Mr. Takach in 11, we thank and
11 excuse you at this time. And who else did you
12 say?

13 MR. LANKFORD: Ms. Brooks, in eight?

14 THE COURT: Seat eight, Ms. Brooks, we
15 thank and excuse you at this time. Okay, fill
16 seats seven, eight, and eleven.

17 THE CLERK: Wittrock, Eric, W-i-t-t-r-o-c-k,
18 seat seven, please.

19 Schuldt, Shawn, S-c-h-u-l-d-t, seat
20 eight.

21 Morris, John, seat eleven, please.

22 THE COURT: Mr. Wittrock, Mr. Schuldt, and
23 Mr. Morris we welcome each of you to the jury panel
24 box. Were you each able to hear and understand the
25 statements I made to the jury panel earlier?

1 PROSPECTIVE JUROR #7: Yes.

2 PROSPECTIVE JUROR #8: Yes.

3 PROSPECTIVE JUROR #11: Yes.

4 THE COURT: We're going to start with Mr.
5 Wittrock who is in seat number seven. Do you
6 remember the series of questions I'm speaking of
7 when I refer to the group questions?

8 PROSPECTIVE JUROR #7: Yes.

9 THE COURT: Would you have answered any
10 of those questions yes?

11 PROSPECTIVE JUROR #7: No.

12 THE COURT: Have you yourself or any close
13 friend or relative ever done any work with any
14 police departments, defense lawyers, prosecuting
15 attorney's office, security guards, military
16 police, fire department, or investigators of any
17 kind?

18 PROSPECTIVE JUROR #7: No.

19 THE COURT: Have you yourself or any close
20 friend or relative ever been arrested, charged or
21 convicted of any criminal offense?

22 PROSPECTIVE JUROR #7: No.

23 THE COURT: Have you yourself or any close
24 friend or relative ever been victims of crime?

25 PROSPECTIVE JUROR #7: No.

1 THE COURT: Have you yourself or any close
2 friend or relative ever have any unpleasant
3 experiences with police officers?

4 PROSPECTIVE JUROR #7: No.

5 THE COURT: Are you familiar with the area
6 of West Buena Vista and Linwood in Detroit?

7 PROSPECTIVE JUROR #7: No.

8 THE COURT: Our printout notes that you're
9 married; is that correct?

10 PROSPECTIVE JUROR #7: Yes, ma'am.

11 THE COURT: Are you presently employed?

12 PROSPECTIVE JUROR #7: Yes.

13 THE COURT: What type of work do you do?

14 PROSPECTIVE JUROR #7: Marketing.

15 THE COURT: And your spouse, is she
16 employed outside of the home?

17 PROSPECTIVE JUROR #7: Yes.

18 THE COURT: What type of work does she
19 do?

20 PROSPECTIVE JUROR #7: Optometry.

21 THE COURT: Have you heard anything about
22 this case before coming to this courtroom today?

23 PROSPECTIVE JUROR #7: No.

24 THE COURT: Do you know of any reason why
25 you could not be a fair and impartial juror in this

1 matter?

2 PROSPECTIVE JUROR #7: No, ma'am.

3 THE COURT: Thank you very much.

4 Mr. Schuldt, do you remember the series
5 of questions I'm speaking of when I refer to the
6 group questions?

7 PROSPECTIVE JUROR #8: Yes, ma'am.

8 THE COURT: Would you have answered any of
9 those questions yes?

10 PROSPECTIVE JUROR #8: Yes, I would,
11 ma'am.

12 THE COURT: Which ones, sir?

13 PROSPECTIVE JUROR #8: I served on a jury
14 before.

15 THE COURT: Civil or criminal matter?

16 PROSPECTIVE JUROR #8: Criminal.

17 THE COURT: Did the charge have anything
18 to do with murder or possession of a firearm?

19 PROSPECTIVE JUROR #8: Yes, ma'am.

20 THE COURT: Would you be able to put that
21 prior jury experience out of your mind and decide
22 this case based solely on the evidence presented in
23 this courtroom and the law as I give it to you?

24 PROSPECTIVE JUROR #8: Yes, ma'am.

25 THE COURT: Was there anything in that

1 prior jury experience that might cause you to be
2 unfair to either the prosecution or the defense in
3 this matter?

4 PROSPECTIVE JUROR #8: No, ma'am.

5 THE COURT: Was that the only group
6 questions you would have answered yes?

7 PROSPECTIVE JUROR #8: Yes.

8 THE COURT: Have you yourself or any close
9 friend or relative ever done any work with any
10 police departments, defense lawyers, prosecuting
11 attorney's office, security guards, military
12 police, fire department, or investigators of any
13 kind?

14 PROSPECTIVE JUROR #8: No, ma'am.

15 THE COURT: Have you yourself or any close
16 friend or relative ever been arrested, charged or
17 convicted of any criminal offense?

18 PROSPECTIVE JUROR #8: Yes, ma'am.

19 THE COURT: Was that to yourself or close
20 friends or relatives?

21 PROSPECTIVE JUROR #8: Several nephews and
22 nieces.

23 THE COURT: What kinds of crimes?

24 PROSPECTIVE JUROR #8: Car-jacking, joy
25 riding, possession of firearm, possession of

1 narcotics.

2 THE COURT: Anything in any of those
3 experiences that have led you to believe that our
4 criminal justice system ought to be changed in any
5 manner?

6 PROSPECTIVE JUROR #8: No, ma'am.

7 THE COURT: Anything in any of those
8 experiences you might hold against either the
9 prosecution or the defense in this matter?

10 PROSPECTIVE JUROR #8: No, ma'am.

11 THE COURT: Listen to my next question
12 very carefully. If the prosecution proves the
13 defendant's guilt beyond a reasonable doubt, what
14 would your verdict be?

15 PROSPECTIVE JUROR #8: Guilty.

16 THE COURT: And if the prosecution fails
17 to prove the defendant's guilt beyond a reasonable
18 doubt, what would your verdict be?

19 PROSPECTIVE JUROR #8: Innocent.

20 THE COURT: We don't have a verdict called
21 innocent. We think that's for a higher authority.
22 It really ought to be proven beyond a reasonable
23 doubt or not proven beyond a reasonable doubt. And
24 the verdicts are guilty or not guilty. You do
25 understand?

1 PROSPECTIVE JUROR #8: Yes, ma'am.

2 THE COURT: Have you yourself or any close
3 friend or relative ever been victims of crime?

4 PROSPECTIVE JUROR #8: Yes, ma'am.

5 THE COURT: What kinds of crime, sir?

6 PROSPECTIVE JUROR #8: My nephew was shot
7 in my hallway four years ago.

8 THE COURT: The circumstances?

9 PROSPECTIVE JUROR #8: Trying to break up
10 a fight.

11 THE COURT: Would you be able to put that
12 experience out of your mind and decide this case
13 presented in this courtroom and the law case as I
14 give it to you?

15 PROSPECTIVE JUROR #8: Yes, ma'am.

16 THE COURT: Have you yourself or any close
17 friend or relative ever have any unpleasant
18 experiences with police officers?

19 PROSPECTIVE JUROR #8: Yes, ma'am and
20 family members also.

21 THE COURT: Okay, when was the last time
22 that you had such an experience?

23 PROSPECTIVE JUROR #8: About a month ago.

24 THE COURT: Would you be able to put all
25 of those experiences out of your mind and decide

1 this case based solely on the evidence presented in
2 this courtroom and the law as I give it to you?

3 PROSPECTIVE JUROR #8: Yes, ma'am.

4 THE COURT: Are you familiar with the area
5 of West Buena Vista and Linwood in Detroit?

6 PROSPECTIVE JUROR #8: Yes, ma'am.

7 THE COURT: Would the fact that you're
8 familiar with the area cause you to be unfair to
9 either the prosecution or the defense in this
10 matter.

11 PROSPECTIVE JUROR #8: No, ma'am.

12 THE COURT: Our printout notes that you're
13 married; is that correct?

14 PROSPECTIVE JUROR #8: Yes, ma'am.

15 THE COURT: Are you presently employed?

16 PROSPECTIVE JUROR #8: Yes, I am.

17 THE COURT: What type of work do you do?

18 PROSPECTIVE JUROR #8: I'm a machinist.

19 THE COURT: And your spouse, is she
20 employed outside of the home at this time?

21 PROSPECTIVE JUROR #8: No, she's not.

22 THE COURT: Have you heard anything about
23 this case before coming to this courtroom today?

24 PROSPECTIVE JUROR #8: No, I have not.

25 THE COURT: Do you know of any reason why

1 you could not be a fair and impartial juror in this
2 matter?

3 PROSPECTIVE JUROR #8: No, ma'am.

4 THE COURT: Thank you very much.

5 PROSPECTIVE JUROR #8: You're welcome.

6 THE COURT: Mr. Morris, do you remember
7 the series of questions I'm speaking of when I
8 refer to the group questions?

9 PROSPECTIVE JUROR #11: Yes.

10 THE COURT: Would you have answered any of
11 those questions?

12 PROSPECTIVE JUROR 11#: No.

13 THE COURT: Have you yourself or any close
14 friend or relative ever done any work with any
15 police departments, defense lawyers, prosecuting
16 attorney's office, security guards, military
17 police, fire department, or investigators of any
18 kind?

19 PROSPECTIVE JUROR #11: No, ma'am.

20 THE COURT: Have you yourself or any close
21 friend or relative ever been arrested, charged or
22 convicted of any criminal offense?

23 PROSPECTIVE JUROR #11: No.

24 THE COURT: Have you yourself or any close
25 friend or relative ever been victims of crime?

1 PROSPECTIVE JUROR #11: No.

2 THE COURT: Have you yourself or any close
3 friend or relative ever have any unpleasant
4 experiences with police officers?

5 PROSPECTIVE JUROR #11: No.

6 THE COURT: Are you familiar with the area
7 of Buena Vista and Linwood in Detroit?

8 PROSPECTIVE JUROR #11: No, ma'am.

9 THE COURT: Our printout notes that you're
10 married; is that correct?

11 PROSPECTIVE JUROR #11: Yes.

12 THE COURT: Are you presently employed?

13 PROSPECTIVE JUROR #11: Yes.

14 THE COURT: What type of work do you do?

15 PROSPECTIVE JUROR #11: I'm a supervisor.

16 THE COURT: For what kind of a group or
17 organization?

18 PROSPECTIVE JUROR #11: In a factory.

19 THE COURT: And your spouse, is she
20 employed outside of the home at this time?

21 PROSPECTIVE JUROR #11: Yes, she's an
22 electrician.

23 THE COURT: Have you heard anything about
24 this case before coming to this courtroom today?

25 PROSPECTIVE JUROR #11: No, I haven't.

1 THE COURT: Do you know of any reason why
2 you could not be a fair and impartial juror in this
3 matter?

4 PROSPECTIVE JUROR #11: No, ma'am.

5 THE COURT: Thank you very much.

6 People pass for cause?

7 MR. HASSINGER: Yes, Judge.

8 THE COURT: Defense pass for cause?

9 MR. LANKFORD: Yes, Your Honor.

10 THE COURT: It is the People's opportunity.

11 MR. HASSINGER: Thank you, Judge. The
12 People would like to thank and excuse Mr. Schuldt
13 in seat eight.

14 THE COURT: Mr. Schuldt, we thank and
15 excuse you at this time.

16 THE CLERK: Klug-Hood, Gayle seat eight,
17 please.

18 THE COURT: Mrs. Klug-Hood, welcome to the
19 jury panel box. Were you able to hear and
20 understand all the statements I made to the jury
21 panel earlier?

22 PROSPECTIVE JUROR #8: Yes.

23 THE COURT: Do you remember the series of
24 questions I'm speaking of when I refer to the group
25 questions?

1 PROSPECTIVE JUROR #8: Yes.

2 THE COURT: Would you have answered any of
3 those questions yes?

4 PROSPECTIVE JUROR #8: No.

5 THE COURT: Have you yourself or any close
6 friend or relative ever done any work with any
7 police departments, defense lawyers, prosecuting
8 attorney's office, security guards, military
9 police, fire department, or investigators of any
10 kind?

11 PROSPECTIVE JUROR #8: I worked for an
12 attorney.

13 THE COURT: Anything in that experience
14 that has led you to believe that our criminal
15 justice system ought to be changed in any manner?

16 PROSPECTIVE JUROR #8: No.

17 THE COURT: Anything in that experience
18 you might hold against either the prosecution or
19 the defense in this matter?

20 PROSPECTIVE JUROR #8: No.

21 THE COURT: Do you do any criminal
22 defense work?

23 PROSPECTIVE JUROR #8: There was an
24 attorney in that group that did.

25 THE COURT: Do you?

1 PROSPECTIVE JUROR #8: No.

2 THE COURT: Would you believe a police
3 officer before you'd believe an ordinary citizen
4 simply because one was a police officer?

5 PROSPECTIVE JUROR #8: No.

6 THE COURT: Have you yourself or any close
7 friend or relative ever been arrested, charged or
8 convicted of any criminal offense?

9 PROSPECTIVE JUROR #8: Yes.

10 THE COURT: Was that to yourself or close
11 friend or relative?

12 PROSPECTIVE JUROR #8: My daughter's
13 boyfriend.

14 THE COURT: What was he arrested, charged,
15 or convicted of?

16 PROSPECTIVE JUROR #8: DWI.

17 THE COURT: Was there anything in that
18 experience that has led you to believe that our
19 criminal justice system ought be changed in any
20 manner?

21 PROSPECTIVE JUROR #8: No.

22 THE COURT: Anything in that experience
23 you might hold against either the Prosecution or
24 the Defense in this manner?

25 PROSPECTIVE JUROR #8: No.

1 THE COURT: Listen to my next question
2 very carefully. If the Prosecution proves the
3 Defendant's guilt beyond a reasonable doubt, what
4 would your verdict be?

5 PROSPECTIVE JUROR #8: Guilty.

6 THE COURT: And if the prosecution fails
7 to prove the defendant's guilt beyond a reasonable
8 doubt, what your verdict be?

9 PROSPECTIVE JUROR #8: Not guilty.

10 THE COURT: Have you yourself or any close
11 friend or relative ever been victims of crime?

12 PROSPECTIVE JUROR #8: My husband, held up
13 at gunpoint.

14 THE COURT: Would you be able to put his
15 experience out of your mind and decide this case
16 based solely on the evidence presented in courtroom
17 and the law as I give it to you?

18 PROSPECTIVE JUROR #8: Yes.

19 THE COURT: Have you yourself or any close
20 friend or relative ever have any unpleasant
21 experiences with police officers?

22 PROSPECTIVE JUROR #8: No.

23 THE COURT: Are you familiar with the area
24 of West Buena Vista and Linwood in Detroit?

25 PROSPECTIVE JUROR #8: No.

1 THE COURT: Our printout notes that you're
2 married; is that correct?

3 PROSPECTIVE JUROR #8: Yes.

4 THE COURT: Are you presently employed?

5 PROSPECTIVE JUROR #: Yes.

6 THE COURT: What type of work do you do?

7 PROSPECTIVE JUROR #8: Accounting.

8 THE COURT: And your spouse, is he
9 employed outside of the home at this time?

10 PROSPECTIVE JUROR #8: No.

11 THE COURT: Have you heard anything about
12 this case before coming to this courtroom today?

13 PROSPECTIVE JUROR #8: No.

14 THE COURT: Do you know of any reason why
15 you could not be a fair and impartial juror in this
16 matter?

17 PROSPECTIVE JUROR #8: No.

18 THE COURT: Thank you very much.

19 People pass for cause?

20 MR. HASSINGER: Yes, Judge, thank you.

21 THE COURT: Defense pass for cause?

22 MR. LANKFORD: Yes, Your Honor.

23 THE COURT: People wish to exercise any
24 preemptory challenges?

25 MR. HASSINGER: No, Your Honor.

1 THE COURT: Wait a minute. That was your
2 turn. It's Defense's opportunity.

3 MR. LANKFORD: If I can get a moment,
4 please.

5 THE COURT: Okay.

6 MR. LANKFORD: Defense passes, Your Honor.

7 THE COURT: People wish to exercise any
8 peremptory challenges?

9 MR. HASSINGER: Pass, Judge, we have a
10 jury.

11 THE COURT: Okay, then we do have a jury.
12 To the jurors out in the audience, this court and
13 all the parties in this matter appreciate your
14 attention during the course of voir dire. I wish I
15 can tell you this is your one day jury trial but I
16 cannot. We have to send you back upstairs where
17 you may be sent to another courtroom. Thank you
18 for cooperating with us. If you will step
19 outside.

20 Ladies and gentlemen of the jury, I'm
21 going to give you some preliminary instructions and
22 then we're going to send you home for the day.
23 Because as we told you, we started this case, we
24 were able to pick the jury a day earlier than we
25 thought because some things fell through on my

1 docket and the attorneys happened to be available.

2 This case is actually set to start tomorrow.

3 So, what I want to do is explain to you
4 that it is my responsibility as the judge in this
5 trial to make sure that this trial is run fairly
6 and efficiently, to make decisions about the
7 evidence, and to instruct you about the law that
8 applies to this case.

9 You must take the law as I give it to
10 you. Nothing I say is meant to reflect my own
11 opinion about the facts of this case. As jurors you
12 are the ones who will decide this case.

13 Your responsibility as jurors is to
14 decide what the facts of this case are. This is
15 your job and no one else's. You must think about
16 all of the evidence and all the testimony and then
17 decide what each piece of evidence means and how
18 important you think it is. This includes how much
19 you believe of what each of the witnesses say.
20 What you decide about any fact in this case is
21 final.

22 Now, when it is time for you to decide
23 this case, you are only allowed to consider the
24 evidence that has been properly admitted. The
25 evidence in this case will include all of the sworn

1 testimony of witnesses. There may be physical
2 exhibits admitted into evidence, and of course
3 anything else I tell you to consider as evidence,
4 you may consider it as evidence.

5 It is your job to decide what the facts
6 of this case are. This is your job and no one
7 else's. You must decide which witnesses you will
8 believe and how important you think their testimony
9 is. You do not have to accept or reject everything
10 a witness says. You're free to believe all, none,
11 or part of any person's testimony.

12 In deciding which testimony you believe,
13 you should rely on your own common sense and
14 everyday experience.

15 However, in deciding whether you believe
16 a witness's testimony, you must set aside any bias
17 or prejudice you have based on race, gender or
18 natural origin of the witnesses.

19 Now, there's no fixed set of rules for
20 judging whether you believe a witness. But it may
21 help you to think about these questions. Was the
22 witness able to see or hear clearly; how long was
23 the witness watching or listening; was anything
24 else going on that might have distracted the
25 witness; does the witness seem to have a good

1 memory; how did the witness look and act while
2 testifying; does the witness seem to be making an
3 honest effort to tell the truth or does the witness
4 seem to evade the questions or argue with the
5 lawyers; does the witnesses age or maturity effect
6 how you judge his or her testimony; does the
7 witness have any bias or prejudice or personal
8 interest in how this case is decided?

9 In general, does the witness have any
10 special reason to tell the truth or any special
11 reason to lie?

12 All in all, how reasonable does the
13 witness's testimony seem when you think about all
14 of the other evidence in this case?

15 I want to caution you. The questions the
16 lawyers asks the witnesses are not evidence. Only
17 the answers are evidence. You should not think that
18 something is true just because one of the lawyers
19 ask questions that suggest or assumes that it is
20 true. Listen very closely to the answers of the
21 witnesses. That is the evidence.

22 During this trial the lawyers are going
23 to make an objection to certain questions or
24 statements made by the other lawyers or witnesses.
25 I will rule upon these objections according to the

1 law. My rulings for or against one side or the
2 other are not meant to reflect my personal opinion
3 about the facts of this case.

4 Now, sometimes the lawyers and I will
5 have discussions out of your hearing. Also while
6 you're in the jury room I may take care of other
7 matters having absolutely nothing to do with this
8 case. And sometimes while you're here in the
9 courtroom, I'll have other attorneys approach the
10 bench so that I can take care of these other
11 matters right here. Pay no attention to these
12 interruptions.

13 You must not discuss this case with
14 anyone including your family or friends. You must
15 not even discuss it with the other jurors until the
16 time comes for you to decide this case. When it is
17 time to decide this case, I will send you to the
18 jury room for that purpose, then you should discuss
19 this case among yourselves, but only in the jury
20 room and only when all the jurors are there.

21 When this trial is over you may, if you
22 wish, discuss this case with anyone you choose, but
23 until that time we ask you to control your natural
24 desires to discuss this matter both here and at
25 home. I will call for several recesses during this

1 trial and I will either send you back to the jury
2 room or allow you to leave the courtroom on your
3 own and go about your own business.

4 But you must not discuss this case with
5 anyone or let anyone discuss it with you or in your
6 presence. If someone tries to do that, tell them
7 that you're on the jury trial in the case and ask
8 them to stop. Explain that as a juror you are not
9 allowed to discuss this case. If she or he continues
10 leave them at once and report that matter to this
11 court as soon as you return to court and you do
12 that by telling any of the officers stationed here
13 in the courtroom.

14 Now, you must not talk to the defendant,
15 the lawyers or the witness about anything at all,
16 even if it has nothing to do with the case.

17 Please, understand that from this point
18 forward if you should see any of the parties out in
19 the hallway, they will not intend to snub you, but
20 they will be acting under court order to have
21 absolutely no conversation with you. And by that
22 we mean even so much as a hello or good-bye, and we
23 ask you to assist us in that regard by you not
24 attempting to have any conversation with them.

25 It is very important that you only get

1 information about this case in court when you're
2 acting as a jury and when the defendant, the
3 lawyers and I are all here.

4 Do not go to the scene of the alleged
5 crime. If it is necessary to for you to view the
6 scene, you will be taken there as a group under my
7 supervision. Do not investigate anything about the
8 case on your own or make any experiments, and do
9 not go on-line and start downloading legal definitions.
10 If you need a legal definition, I will give it to
11 you.

12 I don't believe that it is desirable or
13 helpful for you to take notes during this trial. If
14 you take notes you might not be able to give your
15 full attention to the evidence, so please do not
16 take any notes while you are in the jury room or in
17 the courtroom.

18 We have chosen a jury of 14 in this case,
19 after you heard all evidence and my instructions we
20 will draw lots and decide which two of you will be
21 dismissed in order to form a jury of 12. None of
22 us knows who those two will be. It will be very
23 important for all of you to pay close attention to
24 what is said and what occurs throughout the entire
25 course of this trial.

1 In just a few moments we're going to rise
2 and allow you to go home and have a good evening
3 and to be back here tomorrow morning. The
4 officer's going to give you security passes and
5 he'll explain those to you. But I'm also going to
6 give you a card. When he gives you the security
7 passes, the card is already inserted in them.

8 In case for some reason and we had some
9 bad weather earlier this week and we had two jurors
10 who couldn't -- well, the expressway was just a
11 little bit of snow, but everything got really bad
12 so everybody was late getting here. So if you have
13 any kind of a problem, we'd like you to call and
14 let us know ASAP that you have some kind of a
15 problem.

16 Now as I said you may not discuss this
17 case among yourselves nor with anyone else. I want
18 to also tell you this, I start promptly at 9:00
19 o'clock. And unless there's some real good excuse
20 like the bad weather that we had with all the
21 accidents on the expressway. The lawyers will be
22 here at 9:00 o'clock because if they're not and if
23 they're late, I fine them \$250. And I'm going to
24 be here and the defendant will be here because he
25 wants to keep me happy.

1 I'm going to ask you to assist us in
2 getting this case tried as efficiently as possible
3 by your all being here at 9:00 o'clock so we can
4 start as soon as possible.

5 We'll rise for you to go home for the
6 day. Everyone rise. Jurors are free to go home to
7 be back here tomorrow morning at 9:00 a.m.

8 (Jury exits courtroom)

9 THE COURT: Okay, you may be seated. You
10 noted I did not swear the jurors.

11 MR. HASSINGER: Right.

12 THE COURT: For several reasons. Number
13 one, anything could happen. We've been having
14 really bad luck lately. We could lose two jurors
15 real fast or three and then I got a problem, so I
16 don't want to do that.

17 The other thing is since we don't have
18 the witnesses here I'd like for you to try and have
19 them all here at 9:00 a.m. I want them here at
20 9:00 a.m. because the first thing I want to do
21 before we swear the jurors is to bring in the
22 witnesses and ask them if they recognize any of
23 those persons, and if they don't, we're in good
24 shape. If we got somebody who recognizes someone,
25 we'll excuse that person and then we'll get some

1 more people from upstairs to complete our panel.
2 And as soon as we have all 14, then we'll swear
3 them tomorrow. Okay?

4 MR. HASSINGER: Yes, Judge.

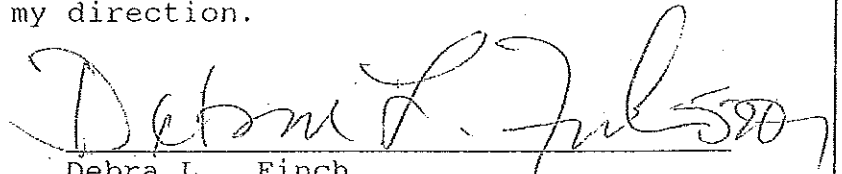
5 MR. LANKFORD: Yes, Your Honor.

6 THE COURT: Okay, then we'll see you
7 tomorrow morning at 9:00 a.m. Thank you.

8 (Proceeding concluded.)
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

R E P O R T E R ' S C E R T I F I C A T E

I do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and that the foregoing is a full, true and correct transcript of the proceedings had in the above-entitled matter; and I do further certify that the foregoing transcript has been prepared by me or under my direction.

A handwritten signature in cursive script, appearing to read "Debra L. Finch", with a stylized flourish at the end.

Debra L. Finch
Certified Shorthand Reporter - 5702

Dated: August 9, 2003